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DOCUMENTS
OF THE
SENATE
OF THE
STATE OF NEW-YORK,
FIFTY-SEVENTH SESSION,

1834.

VOLUME I.
FROM No. 1 TO 50 INCLUSIVE.



ALBANY:
PRINTED BY E. CROSWELL, PRINTER TO THE STATE.
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No. 1.

IN SENATE,
January 7, 1834.

Message from the Governor.

FELLOW-CITIZENS OF THE SENATE AND ASSEMBLY:

In performing the duty which requires me at this time to submit to your consideration the condition of the State, I feel peculiar gratification in being able to assure you that it is unusually prosperous.

As a member of the confederacy, we have no cause of alarm at any encroachment on our rights as a sovereign State. The general government is moving in the proper sphere of its delegated powers, diligent to understand the interests committed to its charge; and devoted to the duties essential to the general security of the nation. Practising upon its avowed principle of asking nothing that is not clearly right, and submitting to nothing that is wrong, it continues to maintain a friendly intercourse with all other nations, on terms of fair reciprocity.

The extraordinary attitude, assumed at the commencement of the last year, by the State of South Carolina, in regard to the authority of the federal government, excited some apprehensions for the peace, if not for the stability, of the Union, and imposed upon that government exceedingly delicate and embarrassing duties.— We have great reason to rejoice that our national affairs were in the hands of those who were peculiarly fitted for such a crisis, and who were enabled by their wisdom, firmness and moderation, to conduct this unhappy controversy to a peaceful issue, without conceding any right belonging to the general government, or giving any countenance to the novel and dangerous doctrine of Nullification.

Between this State and New-Jersey a dispute has for a long time existed, concerning boundaries and jurisdiction. Several attempts have been heretofore made, to adjust this controversy, in an amicable way; but they had all terminated unsuccessfully, and proceedings were instituted, on the part of New-Jersey, in the Supreme Court of the United States, to bring it to a judicial decision. The mutual desire of the citizens of the two States to preserve harmony between them, seemed to leave the way still open for an honorable compromise. The executive of each State was last year authorised to appoint commissioners to effect this object.— These commissioners have agreed upon terms of adjustment, which they deem to be equitable and mutually beneficial to the parties. This agreement is not obligatory on either State, until it is confirmed by the Legislature of each, and approved by Congress. It is herewith transmitted for your ratification, if it shall be found, as I believe it will be, compatible with our honor and our interests. The Union is to be preserved and strengthened by concord among its members. The sentiments of patriotism, as well as a regard to our local interests, will inspire you with a desire to remove the only known cause that can disturb our friendly relations with any of the States.

From this view of our external relations, permit me to direct your attention to our internal affairs. To the spirit of our free government, to the wise legislation of your predecessors, but, above all, to the kind regards of a gracious Providence, we are indebted for our present unexampled prosperity. No pestilence has been permitted, within the last year, to visit our citizens; our agricultural products have been abundant; manufacturing establishments have multiplied in all parts of the State; commerce has expanded beyond its former limits; enterprize is exerting its energies in all directions; and the gratifying evidences of moral and intellectual improvement are every where around us. Let it not, however, be supposed that this fulness of prosperity has superseded the labors of legislation. Evils exist that require correction; and new wants are constantly disclosed, that cannot be fully supplied without your aid.

Every wise system of municipal laws necessarily contains within itself an adequate provision for the due execution of them. Laws are rendered effective only by the agency of public officers. The judiciary is an essential branch of all governments; to those

of liberal principles it is, and ever will be, an object of much solicitude, and the more so in proportion to the sacred regard which is cherished for personal security and the rights of property. It must be accommodated to the duties devolved upon it. When we take into view the rapid increase of this State in population, and the still more rapid augmentation of its business transactions, both of which greatly multiply the labors of the judiciary, we must, I think, be convinced that our present establishment, though adequate to the public exigencies when first organized, now needs to be enlarged. Both the ability and the diligence of our higher courts are admitted; yet the business in them has so greatly increased, and the prospect of its further accumulation is so certain, that it has become your duty to deliberate on the means of affording relief. It is not so much to subserve the convenience of the courts overburdened with business, as to relieve parties from expense and loss, that such a measure has become expedient. Delay is not only attended with additional costs, but in many cases it is a denial of justice.

The organization of a vice-chancellor's court in the city of New-York, has fulfilled the public expectations of its usefulness. It is suggested whether one or two other similar courts, in other parts of the State, might ~~not~~ prove useful auxiliaries, not only to the Court of Chancery, but to the Supreme Court. To such courts the equity business of the circuit judges might be assigned; and most of the interlocutory proceedings in the Supreme Court might be transferred to these judges. The pressure of business is on the Court of Chancery and the Supreme Court, and on a few of the circuit judges, in consequence of their chancery business. If two vice-chancellor's courts should be organized, it might not be necessary to increase the number of judicial officers. Two of the circuit judges might be appointed to preside in them, and the number of circuits reduced to six. It is believed that six judges would be able to perform all the circuit duties, together with such interlocutory business as could be properly devolved on them.

If upon mature deliberation, this measure should not be deemed a proper, or an effectual remedy for the public inconvenience, there appears to be no other course left, but to amend the Constitution, and thereby increase the number of judges, or create other courts to participate in the business of those which now possess general jurisdiction.

Judges, like all other public servants, have certainly a just claim to a fair allowance for their official services; and in settling it, due consideration should be given as well to the qualifications required for such stations, as to the arduous and responsible duties imposed by them. It is true that judicial offices are highly honorable, and are generally aspired to with better motives than a regard to the measure of compensation; but this circumstance does not render an adequate reward to judges less an act of justice, or a dictate of sound policy.

Economy is the virtue of republican governments, but it is as distinguishable from parsimony as from profusion. It requires that faithful public services should be fully, and no more than fully, paid; and it is as much the duty of the Legislature to bring to this standard, salaries that are too low, as those that are too high. In forming an opinion as to the compensation to be given to judges, it is proper to look at all the circumstances connected with the subject; to their situation, which necessarily debars them from all private pursuits; to their qualifications, which result from a union of moral worth, high intellectual powers, and extensive acquirements; to the services they are required to perform, which, in this State, ~~are more important and laborious than those imposed~~ upon the judiciary of any other State. If, in addition to these considerations, we compare the present compensation of the judges in our higher courts, with the salaries given to such functionaries in other States, or with the salaries formerly given here, without the imputation of extravagance, we are, I think, necessarily brought to the conclusion that our judges are inadequately paid. I should neglect what I think due to an important department of the government, if I omitted to invite you to deliberate on this subject.

The business transactions of this State are almost wholly founded on credits. It should, therefore, be the object of legislation to provide for the faithful execution of contracts. In 1831, an important change was made in the law on this subject, by abolishing imprisonment in certain cases. This change has, to some extent, excited dissatisfaction among the people; but most of it, I believe, is to be ascribed rather to the defects of the law, than to its principle. Its real object is in accordance with the spirit of the age. No reasonable objection can be urged against exempting the honest debtor, who is without the ability to pay, from imprisonment; but great care should be taken to prevent such a wholesome provision of law from

becoming a refuge for dishonesty and fraud. It was scarcely to be expected, in such a case, that all the safeguards against abuses and perversions could have been provided, without the light of experience. This law has been nearly two years in operation, and its prominent defects are now developed, and I trust your attention will be carefully directed to devising adequate remedies for them.

Our penitentiary establishments are objects of great public interest, and must ever draw towards them the anxious regards of the Legislature. The improvements by this State in prison discipline, have been imitated by other States, and have attracted the attention of several governments in Europe. The commissioners sent from abroad to examine our penitentiaries, and ascertain their practical operation, have bestowed on both high commendation. By means of these establishments, we have been enabled to meliorate our criminal code, with safety to the rights of persons and of property, and in a great measure to relieve the people from a heavy annual burden for the support of convicts.

The operations of the state prisons continue to present favorable results. The number of persons received into them during the last year, is less than that of the previous year; and the avails of the labor performed by the convicts have defrayed the ordinary expenses of these establishments, and yielded a surplus income of eleven thousand eight hundred and eighty dollars and thirty-one cents.

It was feared that the diminution of the number of convicts in 1832, from that of 1831, was to be ascribed to the effects of the cholera, which had interrupted some of the courts; but the reports of the past year have removed this apprehension, and proved, that while our population is rapidly increasing, crimes punishable in the State prisons are decreasing. The whole number of convicts in the Auburn prison on the first day of December last, was six hundred and seventy-two. One hundred and seventy-one had then been received since the first day of January last, which exceeds by thirty-nine the number received in the previous year. The whole number of convicts in the Mount-Pleasant prison on the first day of December last, was eight hundred and thirty-three; and the number received previous to that date, in 1832, was two hundred and nineteen, which is seventy less than the number received in the preceding year.

The earnings of the convicts in the Mount-Pleasant prison, during the last fiscal year, which closed on the thirtieth of September, were sixty-seven thousand five hundred and forty-eight dollars and sixty-five cents; which exceeds the ordinary expenses of that establishment, not including therein the charge of the corporation of New-York for keeping the female convicts, three thousand two hundred and fifty-five dollars and twenty-six cents. A part of this surplus has been expended in building a range of workshops, two hundred and forty feet in length. No appropriation, either for the support of this prison, or for any additional improvements to it, will be required for the current year.

The earnings of the convicts in the Auburn prison, for the last fiscal year, were forty-nine thousand six hundred and sixty-five dollars and fifty cents. This sum produces a surplus, after deducting the ordinary expenses of the prison, of eight thousand six hundred and twenty-five dollars and five cents. Some portion of this surplus has been expended in altering and repairing the south wing of this prison. This work was deemed necessary for the preservation of the edifice, and for accommodating the establishment with a chapel and mess-room. From the representations of the officers, and from personal observation, I am convinced that a regard to the safety of this prison, and to the accommodation of its business, requires that its enclosure should be considerably enlarged. This improvement cannot be made without your authority, and will probably involve an expenditure beyond the surplus income of the establishment.

Although we have done much for the improvement of prison discipline, much more remains to be done. There is one class of criminals to which it cannot be extended without another establishment. Every year's experience confirms the propriety of the repeated and urgent recommendations which have been made to your predecessors, in favor of providing a separate prison for female convicts. The number of these is now fifty-three. Twenty-three of them are in the Auburn prison; but the salutary influence of its admirable discipline cannot be fully extended to them for the want of proper accommodations. The remaining thirty are confined at Bellevue in the city of New-York, at the annual charge of one hundred dollars for each convict, paid by the State to that city. Even economy, which is less to be regarded in this matter than other considerations, would be promoted by such an establishment.

Most of the labour of erecting it, might be performed by the convicts of the Mount-Pleasant and the Auburn prisons. I earnestly invite your attention to this subject.

Whatever diminishes minor offences will also diminish those of a higher grade; we ought, therefore, to apply our correctives to the incipient steps of transgression, with the double view of preventing crimes, and of reforming offenders. If long experience has taught any one lesson on this subject more clearly than another, it is that the association of criminals in idleness, with opportunities of unrestrained intercourse, renders reformation almost hopeless, and mutual contamination nearly certain.

The persons convicted of minor offences, are more than three times as numerous as the state prison convicts; and more than half of them are sentenced to be imprisoned in the county jails.—As places of punishment, jails are much more objectionable than the state prisons were before their discipline was improved. Until establishments for punishing these offenders are provided, to which the salutary discipline of the state prisons can be extended, it is in vain to expect any considerable diminution of crimes, either of the lower or higher grade.

There is no institution partaking of the character of a penitentiary, that can be regarded with so much satisfaction as the House of Refuge for juvenile delinquents in the city of New-York. The benevolent and humane individuals to whom this institution owes its existence, and who have generously devoted their labor and means to rear up and sustain it, have not been disappointed in the only reward they expected—the satisfaction of having been instrumental in rescuing many fellow beings from misery and crime, and turning them into the path of virtue and usefulness. This institution admirably combines the advantages of education and moral instruction, with a preparation for business pursuits. Its guardian care does not cease with its direct control over these delinquents; it follows them into society, and secures them from relapsing into criminal conduct by placing them in situations where they can, not only obtain a livelihood, but enjoy the ordinary means of becoming useful citizens.

It has been satisfactorily ascertained that most of those who have gone from this institution, have since pursued a virtuous

course of life, and many of them are already established in business with the fairest prospects of success. This happy result is doubtless to be attributed, in a great measure, to the supervision over them which extends beyond the period of their actual imprisonment, and provides for them a proper employment. I am persuaded that some assistance of this kind afforded to convicts when first discharged from the state prisons, would, in many instances, prevent their relapses into crime. The House of Refuge now contains two hundred and thirty-three inmates; but it never has had as large a number as it could accommodate. This, I am sure, would not be the case, if magistrates who have the power to send juvenile delinquents to it, were fully apprised of the decided advantages of its discipline over any other mode of punishment. The managers of this establishment are making laudable efforts to enlarge it, so as to accommodate coloured children; but they have not yet been able to raise the means required for this object. If they should be obliged to solicit aid from the Legislature, the merits of the application will entitle it to a favorable consideration.

There are two institutions in this State for the instruction of the deaf and dumb—the New-York Asylum, and the Central Asylum at Canajoharie. The number of pupils in both is ~~one hundred and~~ sixty-five. One hundred and thirty-four of them are in the school at New-York. Ninety-six of these and twenty-four in the Central Asylum at Canajoharie, are educated by the State at an annual expense of fourteen thousand four hundred dollars.

By an act passed in 1822, the supervisors are authorised in certain cases, to select from their respective counties indigent mutes, and send them to these institutions, which are required to instruct them on such terms as the State pupils are received. This authority has not been exercised by any of the counties except those of New-York and Montgomery; not for the want of fit objects, but probably from an unwillingness to levy the expenses that would be thereby incurred. It is worthy of your consideration, whether the exercise of this authority which is now optional with the supervisors, might not be properly made an imperative duty.

Interesting as is this class of persons to our humane feelings, and claiming as they certainly do your sympathy, and a liberal degree of your care and patronage, there is another class, larger in number, and still more unfortunate in condition, who have a rightful

claim to a greater share of your compassion and an equally liberal measure of your assistance. I refer to the insane—and more particularly, to the insane poor. We should be deaf to the most powerful appeal of suffering humanity, and wanting in gratitude to God, who has endowed us with the faculty of reason, and blessed us with abundant means of administering to the wants of others, if we did not use both, for the comfort, and, to every practicable extent, for the cure of those who are deprived of these gifts. If, indeed, the diseases of the mind lay beyond the reach of human agency, it would still be our duty to afford these sufferers all the comfort and consolation which could be enjoyed in such a forlorn condition. But recent experience has proved, that in a few cases only, is their doom irreversible. Medical science and mental philosophy have finally obtained an almost entire dominion over these maladies. There is, however, this peculiarity in the cases of insanity, that little hope of effecting a cure can be indulged, without the conveniences of proper institutions. The Asylum at Bloomingdale, under the management of the Governors of the New-York Hospital, is the only establishment affording accommodations for insane patients, which has received any assistance from the public treasury. The State has already paid, for founding and supporting it, one hundred and seventy thousand dollars; and has made provision for an annual payment towards its support, of ten thousand dollars, until the year eighteen hundred and fifty-seven. It is however, inadequate to the public wants. Besides, this institution is, in effect, closed to that class of insane patients presenting the strongest claims for your bounty,—to those who are unable to contribute to their own maintenance. Poverty is sometimes the cause, and oftener the consequence, of mental derangement. For those who labor under this double affliction, nothing has been done specifically by the Legislature. By the census of 1825, it appears that there were then in this State, eight hundred and nineteen lunatics; and if the number has increased proportionably with the population, it cannot be less, at this time, than one thousand. Of these, seven hundred, at least, are paupers, and most of them utterly beyond all reasonable hope of recovery, without legislative aid. If any thing were wanting to urge you to vigorous action on this subject, and call forth your patronage in behalf of these sufferers, it will be found in the well-authenticated fact, that of recent cases under the treatment of the best regulated asylums, eighty and sometimes ninety patients in an hundred, have been

restored; and even those who have been long neglected and cruelly misused, are not in a hopeless state. If the victims of disordered intellects had not been deprived of the usual means of exciting public compassion, or if they could have come forth from the places of their confinement, to exhibit their deplorable condition to the public eye, I cannot believe that a provision for their relief would have been delayed to this late day. If the claims of humanity in this respect, have been disregarded, you have now the power, and I doubt not will feel the disposition, to satisfy them.

The blind also, are another class of persons upon whom misfortune has laid a heavy hand, and who have a just claim to something more substantial than bare sympathy. Books have recently been made with embossed letters, whereby they are enabled, after a proper course of instruction, to read with considerable facility. By this ingenious contrivance, a new avenue is opened to their minds, and ampler means of knowledge brought within their reach. The number of persons suffering under the deprivation of sight, in this State, cannot be accurately estimated; but it is very considerable—sufficiently so, at least, to make their condition a subject worthy of your attention and kind regard.

The establishment of county poor-houses has been generally attended with beneficial results. In them, paupers enjoy more comforts than could be extended to them in the former way of providing for their support. In most cases, they receive kind treatment; the able are put to work; the sick are carefully nursed, and well supplied with medical attendance; the young are furnished with the means of education, and enjoy opportunities of moral and religious instruction. The general burden of support has been greatly diminished wherever these houses have been established and properly managed. This system, particularly in what regards its police, is undoubtedly susceptible of some improvements. All who are received into these houses, should be treated with kindness; but the idle should not find them places of repose from labor, if they are able to work; nor should those who have been brought into them by their vices, be allowed opportunities for further indulgence.

There are many charitable and benevolent institutions in the State, and particularly in the city of New-York, of great usefulness, which I would commend to your favorable regard. It is your duty to second individual efforts in building up and sustaining esta-

blishments, which are fitly designed to reclaim the vicious, to relieve the distressed, and to enlighten the ignorant.

From the consideration of subjects which relate to the relief of the unfortunate, I pass to those which regard public education and moral improvement. Republics should be ever mindful of this important truth, that to be free, man must be educated. Without a knowledge of his rights, he will never properly estimate nor long maintain them. Our enjoyments as individuals—our usefulness as members of society—our privileges as citizens of a free government, are all founded on education. These obvious propositions show at once the vast importance of our system of public instruction, and the necessity of so improving it as to give to its operations the utmost extension and the greatest efficacy. While we are reposing our hopes for the continuance of civil liberty upon the general intelligence of the people, it becomes our duty to see that this foundation is laid broad and deep. By providing an adequate fund for the support of common schools, the Legislature discharge but a part, and by far the least difficult part, of their duty, towards educating the people. They must secure its efficient application to the proper objects. In this respect, there is, in my judgment, a manifest defect in our system. Little as yet has been done to provide teachers properly trained for this pursuit. Without well qualified and skilful instructors, the amplest funds will prove comparatively useless. It is scarcely less important to establish a wise plan of supervision, not so much for the purpose of securing a faithful application of the public moneys, as to introduce the most effectual modes of teaching, and the best systems of instruction.

The mere imposition of tasks, which are usually performed as an enforced duty, falls far short of the ends that should be aimed at. Emulation should be awakened in the minds of the pupils, and the acquisition of knowledge made a desirable object. When they once become sensible of the great advantages of education in the ordinary pursuits of life, and of the numerous enjoyments springing from the cultivation of their mental faculties, the difficulties of the work are nearly overcome, and the duties of the government are in a great measure performed. They then become their own teachers, and will seek opportunities, and furnish themselves with the means, of instruction.

Republican governments are the most deeply interested in the cause of education, and from them it is reasonable to expect vigorous efforts for the general dissemination of knowledge among the people; yet, I regret to see, that in this respect, we fall far behind even some of the monarchies of Europe. Several of the German States, particularly Prussia, are doing much more for the education of the people, than we are. If this State has failed to take the lead in well-doing, in the cause of popular education, let it be the first to follow the example of those who have excelled us.

I fear there is too much reason to regret that more zeal is not felt, and greater efforts made, to improve the condition of our primary schools throughout the State; yet there are places where their importance is duly appreciated, and vigorous exertions have been made for their advancement. Justice requires that the example of the city of New-York should not be passed without notice and commendation. This city imposes annually a general tax, which now produces about ninety thousand dollars, for the support of its public free schools. They are under the management of a board instituted by the common council, called the Public School Society. This board are careful to select competent teachers, and to cause the schools under their charge to be often visited, and the course of instruction in them to be properly directed and vigilantly supervised by intelligent committees. The school established by "The General Society of Mechanics and Tradesmen," is liberally supported and wisely managed, and reflects great credit on the public spirit and intelligence of that class of citizens. A personal examination of these schools has convinced me that they are well conducted, and induces me to commend them to other parts of the State for their imitation, so far as circumstances will permit.

The results of our system of common schools throughout the State, will be fully presented to you in the report of the Superintendent. Eight hundred and twenty towns and wards, (being the whole number in the State,) have made reports to him for the year 1832. From them it appears that there were then nine thousand one hundred and seven district schools, in which five hundred and twelve thousand four hundred and seventy-five children were instructed. The whole number of children in these districts, between five and sixteen years of age, was five hundred and twenty-two thousand six hundred and eighteen.

The public moneys distributed to the districts, including one hundred thousand dollars from the Common School fund, and eighteen thousand five hundred and ninety-three dollars and twenty-four cents from local funds, amounted to three hundred and seven thousand seven hundred and thirty-three dollars and eight cents; and the inhabitants of the districts raised for the same purpose, three hundred and sixty-nine thousand six hundred and ninety-six dollars and thirty-six cents. These sums, amounting to six hundred and seventy-seven thousand four hundred and twenty-nine dollars and forty-four cents, except about sixty thousand dollars expended in New-York for school-houses, were paid to teachers for their services. If to this amount were added the other expenses incident to this system, the whole sum expended for the support of common schools in that year, would be about one million one hundred thousand dollars.

The Regents of the University distribute annually, from the Literature fund, ten thousand dollars to the academies subject to their visitation. The number which partook of this bounty last year, was sixty-five; and the number of students in them was four thousand eight hundred and fifty-six, which exceeds that of the previous year by six hundred and sixty eight. There are many other valuable institutions of the kind in the State, which do not participate in the Literature fund. We have seven colleges, two of which are devoted to medical instruction. Some of them are firmly established and highly prosperous; the others are struggling with difficulties, for the want of sufficient endowments; but all, I believe, are in an improving condition. As affecting more extensively the general welfare, common schools are justly entitled to the first consideration and the most liberal patronage; yet seminaries of a more elevated rank ought also to be sustained and cherished for many reasons, and for this particularly, that upon them we must, in a great measure, depend for competent teachers of the common schools.

The subjects connected with the business pursuits of our constituents, next claim our notice. Among these, agriculture stands first in the order of nature, as well as in the rank of importance. It contributes so essentially to wealth, that the early writers on political economy regarded it as the only source of wealth. It furnishes the means of human subsistence, and supplies most of the materials for manufactures, and the chief articles for commerce.

When the labor of the farmer is bountifully rewarded, all other kinds of industry partake of its success; whatever, therefore, is done by the government for the agricultural interest, redounds to the benefit of every other. There is no occupation which is so diversified in its objects, and requires such various knowledge to conduct it skilfully, as that of agriculture. This knowledge results from experiments in all climates, soils, and seasons, and is consequently to be derived from different countries. It receives large contributions from the mechanic arts, and from the sciences of botany, chemistry, and natural philosophy. The patronage of the government can scarcely be directed to a more useful object than furnishing the means of collecting information on this subject, and of spreading it among the agricultural population. A board composed of practical farmers and men of scientific acquirements, would possess great facilities for concentrating this various and scattered information; and the best means of disseminating it among the people, would be afforded by a public institution, under the direction of such a board, where agriculture should be taught as a science, and practically illustrated as an art. The general interest felt for this branch of industry, will recommend it to your favor; and its intimate connection with the permanent prosperity of the State, ~~will make you desirous of contributing to its advancement.~~

The citizens of this State have invested a large amount of capital in manufacturing establishments. The encouragement which this branch of industry has been most anxious to obtain, is protection against foreign rivalry; and this could be given only by the general government. The policy, as well as the right, of giving it, otherwise than as it incidentally results from the imposition of such duties on imports as are necessary to raise a revenue merely sufficient to support the government, has been contested. This interest has suffered by the frequency of legislation on the subject of the tariff, and by the uncertainty, as to the measure of protection it would permanently receive. Hopes are now confidently entertained, that the existing laws will remain for some years without material modification. Should such be the case, there is reason to believe that our manufactures will flourish, and soon acquire a permanency which will enable them to withstand foreign competition.

Though commerce and agriculture are the branches of industry which seem to participate most directly in the benefits of our system of internal improvement, yet they are no more favored in this respect, than many kinds of manufactures and the mechanic arts. While our public works have been attended with local advantages, they have contributed, even beyond our anticipations, to the general prosperity of the State.

It was our good fortune that the most practicable route for a water communication between the Atlantic ocean and the great western lakes, lay through our territory. This advantage was early discovered by the sagacity of the people of this State, and effectually improved by their enterprise. The internal commerce carried on through the Erie canal, aided as it is by the improvements executed by the enterprise and energy of the State of Ohio, has, during the past season, increased to a magnitude which was supposed to be attainable only in its full maturity, and has extended to regions which were conceived to lie beyond its utmost limits. The country around these lakes and along the rivers emptying into them, as well as the valley of the Ohio quite down to the Mississippi, have been supplied through this channel with some portion of their merchandize. Boats are daily seen passing upon it, freighted with goods destined for the Territory of Michigan, the States of Ohio, Indiana, Illinois, Kentucky, Tennessee, and even for Missouri and Alabama. The delightful climate of this western region, the great fertility of its soil, and the numerous conveniences it offers for the enjoyments of human life, are daily becoming better known, and attracting towards it an increasing tide of emigration. No human efforts—no conceivable change of circumstances, can check its rapid settlement, or put far off the time when it will be the abode of a population of many millions, abounding in wealth, and seeking the comforts and luxuries to which commerce must necessarily administer. Its trade will increase with its wealth and its numbers. If our canals are to be what a wise management cannot fail to make them—the principal channels for this trade—we must calculate its extent, and make them adequate to this object. When our system of internal improvements was commenced, a great part of this fertile region was a wilderness, and scarcely a sail was spread, for the purposes of commerce, on the great western lakes. The advancing steps of settlement have but just passed the borders of what was then a wild domain, and it already abounds in products demanding a market, and inviting an exchange for ar-

ties of merchandize from the Atlantic States. Lake Erie now appears like a frequented track in the highway of commercial nations. Its waters are navigated by twenty steam-boats, and one hundred and twenty-eight sloops and schooners. The shipping on this lake has increased in the three last years, from six to eighteen thousand tons. The tonnage entering the port of Buffalo last year, was more than two hundred thousand; and an hundred thousand passengers are estimated to have left it for the west.

We ought not, however, to flatter ourselves that we shall enjoy what we now possess, and what lies in prospect before us, without competition. The western trade is a noble prize, for which several of the Atlantic States are contending with a laudable emulation; and they are making powerful efforts to remove the barriers interposed by nature between them and their object. We look on their exertions with no unfriendly feelings; and we trust that they will view, in a like spirit, our efforts to administer to the wants and to subserve the conveniences of the western country.

It has already become quite evident that the capacity of the Erie canal will not much longer be adequate to the exigency of the business on it. The improvements which will soon be required, are ~~double locks to facilitate the passage of boats, and an enlargement~~ of the canal in its width and depth. These improvements must necessarily be made under great disadvantages. The public interest will not allow of an interruption to the navigation; and a considerable part of the labor must therefore be performed in the winter season. This subject will probably be presented to you in a communication from the officers having the charge of the canals, and it will undoubtedly receive from you the attention its great importance demands.

The extent of business on all canals is increased by the facility of transportation, and a reduction of the expenses. By enlarging the capacity of the Erie canal, the cost of transportation will be diminished. The tolls are a considerable part of the expense. This subject has occupied the anxious attention of the Canal Board, during the present year; and some of the beneficial results to which I have alluded, particularly the wide diffusion of the trade into the western and southwestern sections of the Union, are justly ascribable to the enlightened views of this Board, and their judicious modification of the rates of toll. Previous to opening

the canals last season, the tolls were reduced twenty-eight and an half per cent, on most of the products of the country, and fourteen and a quarter per cent on merchandize. Notwithstanding this reduction, the amount of tolls received on the Erie and Champlain canals during the last season, is one million four hundred and sixty-four thousand two hundred and fifty-nine dollars and ninety-eight cents, which is two hundred and thirty-four thousand seven hundred and seventy-six dollars and fifty-one cents more than the receipts of the preceding year. This Board have it in contemplation to make a further reduction on merchandize, of twenty-five per cent on the present rates of toll, before the navigation opens in the spring. This reduction will bring the tolls down nearly to the constitutional limit. It is probable they might be reduced on some articles below that point, if it were practicable, without lessening the total amount of revenue.

I deem it proper to mention another subject, which has an important connection with the operations of our canal system, but which belongs essentially to the general interests of commerce. The obstructions in the Hudson river, although they affect more immediately the interest of the people of this State, operate injuriously also, upon the commercial interests of the whole country. The federal government exercises a jurisdiction over this river, so far as the regulation of commerce is concerned. It is not only the medium of internal trade among the States, but is extensively used for the purposes of foreign commerce; and the duty of regulating both, is, by the Constitution, committed to Congress. Though there is a great diversity of opinion as to the limits of the power possessed by the general government, to expend money on works in aid of commerce, and in some cases intrinsic difficulties exist in determining whether a particular object lies within or beyond its scope, yet I believe there are but very few acquainted with the subject, who would contest the right of that government to appropriate money for the purpose of removing obstructions in the Hudson river; and all who admit the right, and are apprised of the extent of the injury arising from the frequent interruption of the navigation, will at once concede that it is the duty of Congress to effect this object: but the appropriation for this purpose has heretofore been defeated, by being united in the same bill with appropriations for other objects, clearly unconstitutional, in the opinion of many members of Congress; and some who were most anxious for this

improvement, were driven to the alternative of either voting against the whole bill, or of violating their obligation to support the Constitution, by giving their sanction to what they regarded as the illegal exercise of a power, which, if once established, would certainly be used to withdraw from this State, to a great extent, the advantages she has won by her unaided efforts, and by the expenditure of millions derived solely from her own resources. The passage of the bill containing these appropriations would have formed a precedent for resorting to the treasury of the United States, for funds to execute projects having no pretensions to be ranked among those of a public or national character. I venture to affirm that the people of this State, in order to procure one or two hundred thousand dollars, for what is really a national object, will never depart from a sound construction of the Constitution approved by our wisest statesmen, and consent to a dangerous enlargement of the powers of the general government, which would be used to take from them indirectly many millions. They cherish the Federal Constitution, and more highly prize the common welfare, which can only be permanently maintained by a proper exercise of the powers delegated to Congress, than any advantages they might obtain by unwarrantably extending these powers to accommodate their local interests, or by giving their sanction to an illegal application of them to favor the local interests of others.

If the appropriation for improving the Hudson river must be encumbered with others for objects not generally considered within the powers of Congress, and its success must abide the event of a struggle to establish a theory of construing the Constitution adverse to the salutary doctrines contained in the message of the present Executive on the Maysville road, and since virtually sanctioned by the people of the United States, you ought, under these circumstances, to consider whether the interest of your constituents does not require that this improvement should be embraced among our public works.

Two modes of overcoming the difficulties in the navigation of this river have been suggested; the one by excavating the alluvial deposits with machines, or removing them by contracting the channel, and thus increasing the force of the current; the other by constructing a lateral ship-canal, commencing below the bars, and extending to the cities above.

Apprehensions are entertained by many acquainted with this subject, that the removal of these deposits, will afford but a temporary relief, and that natural causes will soon form others. The ship-canal is considered by them as the most certain, as well as the most economical mode of effecting this improvement. This work is of a different character from any that the State has yet executed. You will therefore feel the necessity of examining carefully the various plans that have been, or may be, suggested, before making any selection, should you decide in favor of the expediency of the undertaking.

Our first public work of internal improvement was commenced in 1817, and in the course of sixteen years we have completed six canals—The Erie, the Champlain, the Oswego, the Cayuga and Seneca, the Chemung and the Crooked Lake. By means of them, water communications are opened from the Hudson river to the Susquehannah on the south, to the lakes in the interior of the State, and to the inland seas on our northern and western frontiers. The aggregate length of these canals, is five hundred and thirty miles, and the amount expended in their construction, is more than eleven and an half millions of dollars. From the commencement of the system it has been steadily carried forward, without interruption, under wise councils and prudent management.

At the last session of the Legislature, another canal, of ninety-five miles in length, was ordered to be constructed, which will involve, as recent examinations seem to indicate, a further expenditure of one million five hundred thousand dollars. Though some of these works were not undertaken so early as those sections of the State most immediately interested in them, desired, yet I am disposed to believe we have effected more, by a cautious policy, than would have been done by a less considerate course of proceeding. By attempting too much at once, we might not only have done less, but endangered the entire system.

The splendid success generally ascribed to the whole, is in truth, the result of only a part of our works. The Chemung and Crooked Lake canals have not been in operation a sufficient time to show the extent of their utility; but it is estimated that they will not equal in productiveness the Cayuga and Seneca, or the Oswego canal, which have not yet ceased to be a burden on the public treasury.

The Commissioners of the Canal Fund estimate the charges, above the amount of tolls, for the support of the Chemung canal, for the ensuing year, at thirty thousand, eight hundred and thirteen dollars and sixteen cents; and of the Crooked Lake canal, at eight thousand five hundred dollars. These sums, if the estimate should prove correct, must be paid out of the treasury of the State.

The revenue of the Oswego and of the Cayuga and Seneca canals, has considerably augmented during the past season, and if a fair allowance were made for the increase of tolls on the Erie canal in consequence of the additional business resulting from these canals, their income would probably be equal to the expense of repairs and supervision, and the interest on the debt incurred for their construction.

The amount beyond the income of these canals, paid for their support last year from the treasury, was nineteen thousand five hundred and sixty-five dollars and twenty-seven cents; and the estimate of the amount to be paid for the same purpose the ensuing year, is twenty thousand two hundred and seventeen dollars and thirty-six cents.

I do not allude to these circumstances with the view of questioning the policy of these works subordinate to the Erie canal, but to justify the considerate movements which have characterized our past legislation, and which I hope to see observed in our future measures on this important subject. I desire not to be understood by this remark as entertaining a wish to withdraw your attention from any of the applications which may be made to you for internal improvement; my wish is, to see the system not only continued, but carried forward, in the way best calculated to diffuse its blessings as widely as practicable. We are favored with a country every where presenting capabilities for improvement, and containing industrious and enterprising inhabitants, who are rapidly developing its resources, and anxious to have their own energies aided by the patronage of the government in removing the obstacles which intercept their easy access to our great markets.

I am aware that applications will be made to you for the construction of several other works, which I deem it unnecessary to specify, because I have not sufficient information in relation to any of them to enable me to make particular suggestions which would

aid your deliberations. My views relative to the character of works which it is expedient to execute at the public expense, were submitted to your immediate predecessors. Upon further consideration of the subject, I see no reasons for modifying them. The proper application of the principles then stated, will, in my judgment, carry us forward in the progress of improvement as rapidly as sound policy dictates, and in due time will extend our system to all the objects which ought to be embraced in it.

If these views should appear to you too restrictive in their operation, and you should deem it expedient to authorise public works, which, for a series of years after they are finished, will impose an annually increasing charge on the treasury for their support, besides entailing on the State a debt for the original expenditure, you will, I presume, consider it your duty to provide the means for the ultimate payment of these burdens at the same time they are created. This provision can, in my judgment, only be made by a general tax, or by a permanent incumbrance upon the revenue of the Erie and Champlain canals. The injury that would result to the State at large, by resorting to either of these modes to raise funds for such a purpose, would, I think, much more than counter-vail the advantages of any public work which will not pay, after the lapse of many years, the interest on the sum expended for its construction, and the expense of repairs and superintendence.

For most, if not for all, of the proposed works, several routes are suggested; and various opinions are entertained as to the proper points for connecting them with the canals already completed, and with our rivers and the lakes. There are strong considerations to induce you, before authorising the construction of any work, to have the routes minutely and accurately surveyed, and the proposed points of connection carefully examined by skilful and experienced persons, with a view to ascertain the amount of expenditure it will involve, and its utility when completed. The propriety of such a course is evinced by the fact that casual examinations and partial surveys have in all cases led to very erroneous estimates. All the works that have been completed, were authorised under the confident expectation that they would require a much less sum to construct them than they have actually cost. The route of the Chenango canal was repeatedly surveyed, for the purpose of ascertaining accurately the expenditure; but after all the pains taken to arrive at a correct result, the estimates were in some instances fifty,

and in ~~others~~ seventy-five per cent below the sum which the surveys recently made, with a view to its actual construction, indicate as its probable cost.

It would be desirable to distribute impartially to all parts of the State the benefits of internal improvements; but this cannot be done, because all parts do not offer equal facilities and equal advantages for public works. Indulging, as I trust you do, a desire to diffuse these benefits to a reasonable extent, you will consider the various plans that may be presented to you, and test them by the application of the general principles of legislation which ought to direct your proceedings on this important subject. The disposition you may feel bound to make of them, will, I trust, be generally approved.

I have no doubt you will grant, as good policy requires you should; liberal terms and fair privileges to companies or individuals who may be willing to vest their capital in works for the improvement of the State, or for developing any of its resources.

The great design of internal improvements is to afford to the people generally the means of an easy and expeditious intercourse, and to increase facilities for the transportation of their products and articles of merchandize. While we are intent upon devising and executing magnificent works for attaining these objects, let us not lose sight of those of a humbler character, but of very general interest, essentially contributing to the same end. The heavy burdens annually imposed upon the people for common highways and bridges, are not, it is generally believed, attended with corresponding benefits. The mode of applying the labor assessed and the money raised for this purpose, is conceived to be defective. Without increasing the public expense, much better results might be obtained, by securing greater economy in the expenditures, and a more skilful application of the labor to the objects to be accomplished. The general interest of all classes of our citizens in this subject, will commend it to your favorable notice.

We are apprised, through the medium of the public journals, that numerous applications will be made to you for the increase of banking institutions. Notices for one hundred and five new banks, with capitals amounting to about fifty-six million dollars, have already been published, and it is probable that additions will be made to this number. These institutions have a vital connection with the

business pursuits of our constituents, by reason of their effects on the citizens in their immediate vicinity, and their influence on the currency of the country. Our business transactions have been so long conducted by means of bank credits, and by the use of a paper currency, that this course has become firmly settled, and, if it were desirable, it would be scarcely possible, to change its direction. Banks are now regarded as necessary establishments; but I cannot believe that they are required to the extent now asked for. So far as the business of the country demands an increase of them, you will feel inclined to add to their number.

Banking privileges, not only as they are granted by this State, but as they exist in almost every country, are a monopoly which ought not certainly to be increased beyond the actual exigencies of the public. Private interest in respect to these institutions, unless it accords with the public demand for them, should not, and I dare presume to say, will not, be permitted to influence your action on this subject. All legislation which turns aside from the public good, to administer favors to individuals or classes, is partial and mischievous. Every charter granted on the terms heretofore imposed, confers, in the prosperous condition of the State, a donation on the stockholders, of a sum varying from ten to fifteen per cent on the capital of the company.

Though I do not impute to the applicants in any instance, selfishness as their leading motive, yet we should overlook a universal law of human conduct, if we did not suppose that self-interest mingles its influence in their actions, and exerts its sophistry to mislead their judgments, as to the public necessity for institutions from which they have reason to expect a considerable direct pecuniary benefit. If any means could be devised to cause the stock to go into the hands of those to whom it is distributed, worth only its par value, I think there would be much less solicitude for the increase of banks. Whatever value is given to the stock above the sum paid for it, in consequence of the franchise or peculiar privileges granted to the corporation, may, upon any principles of justice, be withheld from the subscribers, and rightfully claimed by the State; and it is a cause of regret that some provision to effect this object had not long since been adopted.

The increasing pressure upon the Legislature for the multiplication of banks, and the constantly recurring contests attending the

distribution of stocks, are every day demonstrating the propriety of such a measure. I am ready to admit that there are many plausible, and some weighty objections, to appropriating to the State the enhanced value of the stock of an institution chartered by the Legislature. The consideration that former applicants have received advantages which are to be denied to others of equal merit, ought not to prevail against any measure for correcting the abuses resulting from the bestowment of these advantages. If such an objection is valid now, it must be equally so at any future period; and the evils must continue, because they have once existed. One of the most effectual modes which has occurred to me, of withholding from the original owners the premium on bank stock, is by a public sale, and reserving to the State the advance above the par value. To this mode of distribution there are several objections. It would facilitate the concentration of stock in the hands of a few wealthy individuals, and thereby lead to a monied influence unfriendly to the free principles of our government. Besides, a bank, in the vicinity of its stockholders, and these not only numerous, but composed of citizens of various pursuits and different sentiments, will be more certain to fulfil the public designs of such an institution, than one owned by a few individuals, residing perhaps at a distance from it, who would feel less disposed to accommodate local customers, and be more strongly tempted to devote it to personal and private purposes.

If the premiums on the sales of stock were either paid into the treasury for general purposes, or assigned to any of the particular Funds, this disposition of them, which would be but the mere incident of a measure to correct existing abuses, might be converted into a principal motive for increasing such institutions. The desire of supplying the wants of an exhausted treasury, or of increasing a favorite fund, might possibly operate as an inducement to grant applications which would not be sustained on the ground of public utility. Combinations, by speculators, at the sale, might also prevent fair competition, and engross the stock. These objections, to some extent at least, are admitted; but it is believed their force might be much weakened by wise provisions of law regulating the sales, yet whether sufficiently so to render the measure expedient, is a question for your determination.

The reduction of interest on bank loans has been suggested as a measure that would prevent an undue multiplication of banks, by removing private inducements for charters. Judging, from the exorbitant profits of most of these institutions, it would appear that the interest on such loans might be brought down to, and even below, six per cent, and still the investment of capital in bank stock yield ordinary profits. I much fear, however, that this measure is more specious in theory, than it would be sound in practice. There are many things that laws cannot effectually control; and one of them is the interest of money. If the use of money is worth eight or ten per cent, those who have it to loan will generally contrive, in spite of legislative enactments, to obtain that rate of interest. The reduction of interest on bank loans, below the general rate, would increase, I apprehend, to an alarming extent, one of the evils to be dreaded from these monopolies. Their tendency is to degenerate into exclusively private institutions, conducted on the narrow principles of favoritism. If bank interest was one or two per cent below the common rate, their loans would generally be made to persons interested in the institutions; and, so far as the public at large was accommodated, it would be done by a secondary operation, through the agency of those persons, at or above the common rate of interest. The large profits in which all the stockholders now participate, would be partially withdrawn from them, not however to be more generally diffused, but to be concentrated in a narrower circle. The concentration of benefits would be speedily followed by the concentration of the stock; and the few who would by these means get the management of an institution, would be likely to use it for the purpose of private speculation, or to secure to themselves accommodations for their own business on better terms than their competitors would be able to obtain. If such should be the effect of this measure, the inducements of a private character for the multiplication of banks would be increased, and the public benefits intended to be conferred by them, diminished.

The beneficial effects expected from the proposed reduction, would probably be defeated by changing the mode of doing business at the banks. Instead of loaning money on paper, payable at their own counters, they would use their funds to purchase drafts and bills made payable at other places, at such a discount as would be equal, at least, to the general rate of interest. This operation

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could not be restrained, nor the rate of discount regulated by law, without essentially impairing the public usefulness of these institutions.

A general reduction of interest on all loans and other contracts, would leave banks with at least the comparative advantage they now possess, and the effects of such a measure upon the general prosperity of the State, are worthy of your profoundest consideration. That the accumulation of substantial capital, as distinguished from bank loans and a surcharged circulation of bank paper, is conducive to our general prosperity, cannot be doubted. It is equally obvious that, bringing down the rate of interest, would, to some extent, diminish the total amount of our capital, or at least check its introduction into the State. Other parts of the Union, where the rate of interest is below ours, think that in this respect we have advantages over them, and they are making efforts to increase it to our percentage. In prosperous times, abundance of capital enables us to expand our business and develop our resources; and in seasons of embarrassment, it helps us to sustain the public pressure.

But if the stock of such new institutions as you may deem it discreet to grant, must be scrambled for by the subscribers, and go into the hands of the successful competitors, worth considerably more than its par value, much of the bitterness of feeling, ordinarily resulting from these contests, would be prevented, and combinations to get control of these institutions, in some measure, defeated, by appointing commissioners for the distribution of stock, in each case, who reside out of the county wherein the bank is to be located, and who shall be not only disqualified from holding any office in it, but from taking directly or indirectly, any of the stock, for a limited time after it shall go into operation.

These considerations are worthy of your serious attention; but much less so, than the great questions, how far banking capital can be safely augmented, and what further safeguards are required to secure our banking institutions from disasters, in seasons of great commercial revulsion and general embarrassment. In the course of events, such seasons will come, and the increase of banks may be one of the causes that will contribute to their recurrence; and when they do come, it will certainly be the cause of aggravating the severity of the public distress.

Almost the entire business transactions of this State, and of the whole country, are founded on a gigantic system of credit. This system expands, not only with the increase, but by the continuance of our prosperity. Success emboldens the spirit of enterprize, and men gradually forget the lessons of caution and prudence, that adversity teaches, as they recede from the times in which they have received this useful instruction. It is your duty, when called on to extend this system by multiplying banks, to consider well what effect this measure will have upon the stability of the whole. If you enlarge the superstructure, you ought to strengthen the foundation.

It is worthy of your consideration, whether an additional safeguard would not be afforded by a general provision, restricting the circulation, not only of the new banks, but, in due time, of those already incorporated, to the amount of their capital. This restriction, seems to me, to be well calculated to add to the public security, without greatly impairing the ability of these institutions to administer to the public wants. Only the specie in the vaults of the banks, remains necessarily in an unproductive state; the residue of the capital may be profitably employed; which, together with the privilege of a circulation equal to the whole, and the use of the temporary deposits, will enable them to defray their necessary expenses, and render a liberal return to the stockholders for their investments.

I should extremely regret that the considerations which I have urged for cautious action on this subject, should be construed into a warning against particular impending dangers. I am confident there is, at the present time, no existing cause for alarm. Our system of credit, compared with the immense business of the State, embracing, as it does, the transactions of the principal commercial emporium of this great nation, is not extended beyond the systems of the neighboring states, or those of other commercial countries. Besides all the safeguards provided for banks elsewhere, this State has fortified her institutions with additional securities—by creating a fund to protect bill-holders from ultimate loss—by making it the interest of all to detect the mismanagement and contribute to the safety of each—and by instituting a visitorial commission to supervise their operations with ample powers, not merely to correct, but to prevent abuses.

The last four years have been to the people of this State a season of unwonted prosperity. Within this time there has been none of those commercial alternations which ordinarily happen every few years, except a slight pressure about two years since, occasioned mostly by an unfavorable balance against the country in its foreign trade, and one of local operation, at this time, resulting principally from the management to which the Bank of the United States has resorted with a view to obtain a renewal of its charter; but the former of these did not, and, it is believed, the latter can not, put to a severe trial the solidity of our banking institutions.

The Legislature have, within these four years, added nine millions to our banking capital; and you will be urged at this session to add many millions more. It appears to me that it would be hazarding too much to augment this capital to an unprecedented extent, before we have had the experience of less prosperous times to test the effect of the increase already made. While you feel a desire to contribute, in this respect, to the wants of the various sections of the State, you will, I trust, bear in mind that you are acting on a subject of vital importance to all, in its nature both delicate and difficult—delicate, because it relates to a system sustained in a great degree by extensive and mutual confidence—and difficult, because it has numerous and complicated relations to the business pursuits of all classes of our constituents.

The Constitution is now so amended as to allow the Legislature to reduce the duty on salt manufactured in the western part of this State, to six cents on each bushel; this subject will, therefore, properly occupy your attention. The vote on the amendment of the Constitution shows clearly that a reduction is generally expected; but a question may arise as to the amount proper to be made at this time. I think there are sufficient reasons for bringing down the duty at once to the minimum rate. Salt is an article of general consumption, and a diminution of its price is a direct benefit to the consumers. The demand for that manufactured in this State, is regulated by the extent of the country to which it furnishes a supply, and this extent will be enlarged as the price is reduced.—A regard to the public revenue, as well as to the interest of the manufacturers, requires that the region for consumption should be extended as widely as practicable. The material for the manufacture of this article is so abundant, that the supply may be easily made equal to the utmost demand.

Of the salt manufactured by our citizens, large quantities are consumed in the Canadas—it supplies the country around the lakes, the western part of Pennsylvania, and a large portion of the State of Ohio, and enters into competition with the salt made at the Kenhawa springs in Virginia, on the borders of Indiana and Illinois. A reduction of six and one half cents on the bushel will be the means of extending the sphere of consumption far beyond these limits, and the increase in the quantity manufactured for the purpose of satisfying this additional demand, will ultimately compensate the revenue for the decrease in the rate of duty. The mutual interest of the manufacturers and the consumers in this State—the advantages to the business intercourse between our citizens and the north and west, resulting directly and indirectly from our ability to supply these regions with this important and necessary article, and the ultimate effects of this increased demand upon the public revenue, considered in reference to the tolls on the canal, as well as to the direct duty on the salt, render it expedient, in my opinion, to bring the reduction to the lowest constitutional limit.

The militia system was cherished by the patriots who laid the foundations of the General and State governments, as essential to the preservation of our liberties. I regret that efforts have been made to bring it into some disrepute. The unfavorable opinions which now prevail on this important subject, do not arise, I am persuaded, from a general conviction that all organization of the kind is useless; but they are to be ascribed to the defects of the present system. These defects can be effectually removed only by Congress.

The joint resolutions of both houses of the last Legislature, suggesting several modifications of the present laws, have been transmitted, agreeably to a direction therein, to our senators and representatives in Congress, and also to the governors of the several states, with a request that they might be laid before the respective legislatures thereof. It is reasonable to expect that this subject will occupy the attention of Congress, and that the present organization will be so far improved, as to remedy its defects without impairing its efficiency.

By the report of the Adjutant-General for the present year, the numerical force of the militia of this State appears to be one hundred and eighty-eight thousand, four hundred and forty-seven men.

The particular funds of the State continue in a prosperous condition. The Canal fund, notwithstanding the reduction of the tolls, has increased in productiveness. The total amount of receipts during the fiscal year ending on the thirtieth of September, including the tolls on the Oswego and the Cayuga and Seneca canals, and the interest on the surplus moneys belonging to this fund, was one million nine hundred and ten thousand eight hundred and ninety-five dollars and sixty-four cents. The total amount of canal debt is six million six hundred and seventy-three thousand and six dollars and twenty-nine cents. The debt created for the construction of the Erie and Champlain canals, was, on the thirtieth of September, five million five hundred and twenty-two thousand six hundred and fifty-nine dollars and twenty-nine cents. To this debt the constitutional pledge of the tolls at a specified rate, and of the auction and salt duties, attaches. During the last year, the Commissioners expended one million five hundred and sixty-six thousand three hundred and ten dollars and three cents, in purchasing the stock of this debt. In consequence of the period of redemption being in 1837 and 1845, they were obliged to make purchases at a premium. After making these purchases, they had money on loan, and invested in other stocks, amounting to two million six hundred and two thousand five hundred and ninety-four dollars and seventy-six cents, belonging to this fund. The actual amount of the debt to which the constitutional pledge is applicable, beyond the means the Commissioners possess for redeeming it, is therefore only two million nine hundred and twenty thousand and sixty-four dollars and fifty-three cents. If large expenditures are not made for enlarging and improving the Erie and Champlain canals, the Commissioners will probably have, before the end of three years, sufficient means for discharging the whole of this debt; yet the pledge must continue, unless all the stock be purchased, until July, 1845. The object of the pledge was to obtain the means of reimbursing the loans made for the construction of these works. When funds are accumulated amply sufficient for this end, there can be no good reason for retaining the pledge. Its continuance beyond that period, will be attended with embarrassments and positive injury. It will prevent such a modification of the tolls, as would best subserve the interest of trade, or as would produce the best results as to revenue. If it is intended, as the course of your predecessors for a few years past seems to have indicated, that the canals shall return to the general treasury of the State, some part or the whole

of the moneys that have been taken from it for their benefit, it would be proper to have that matter adjusted as soon as practicable. Should it be judged expedient to make the revenues of the canals subsidiary to the support, or the construction, of other public works of internal improvement—even for this purpose, it would be convenient to have them disencumbered at an early period. After considering this subject in all its bearings, you will determine whether the interest of the State requires that this pledge should be removed, when sufficient means for paying the loans secured by it, shall have been obtained. As such a measure will require an amendment of the Constitution, which cannot be effected in a shorter period than two years, you are invited to consider it at the present session.

The productive capital of the School fund is one million seven hundred and fifty-four thousand forty-six dollars and eighty-four cents, and has increased eighteen thousand eight hundred and seventy-one dollars and fifty-six cents, the last year. Its income was, during that year, one hundred and nine thousand one hundred and seventeen dollars and seventy-seven cents.

The capital of the Literature fund is two hundred fifty-seven thousand nine hundred thirteen dollars and forty-six cents, and it produced an income last year, of twenty-two thousand five hundred and seventy-seven dollars and twenty-two cents.

I presented to your immediate predecessors the condition of the General fund, and urged on them the necessity of devising the means of replenishing it. Such a measure seemed to me necessary to enable that fund, not only to defray the ordinary expenses of the government, which amount annually to about three hundred thousand dollars, but to pay such appropriations as it might be deemed expedient to make, for establishing or supporting institutions for objects worthy of public patronage. That duty was deferred, and it now devolves on you. I take the liberty to refer you to my annual message to the Legislature last year, for my views on this subject, and to recommend to you to devise and settle a system of finance for the support of the government.

Having discharged the duty imposed on me by the Constitution, of communicating to you the condition of the State, and recommending such matters as in my judgment ought to engage your

attention, permit me in conclusion to assure you that I shall most cordially co-operate with you in all measures for the common good of our constituents, or for the interest of any portion of them, so far as it is compatible with the welfare of all.

W. L. MARCY.

Albany, Jan. 7, 1834.

No. 2.

IN SENATE,

January 7, 1834.

DOCUMENTS

**Accompanying the Governor's
Message.**

**Copy of a letter from the Commissioners appointed
to settle the boundary between New-York and
New-Jersey.**

New-York, October 20th, 1833.

SIR,

We have the honor to inform you that pursuant to our appointment under the act concerning the territorial limits and jurisdiction of the State of New-York and the State of New-Jersey, passed January 18th, 1833, and after several conferences with the Commissioners appointed under a similar law of the State of New-Jersey, we have concluded an agreement for the purpose of settling the boundary referred to in those acts.

We deem it unnecessary to enter into a detailed account of the course of the negotiation, and will only observe in respect to it, that waiving all discussion of the strict rights of either party, the Commissioners on both sides made such concessions as they supposed to be not only compatible with the substantial interests of each of the States, but conducive to the harmony and welfare of both. Proceeding upon these principles, it will be seen that the middle of the waters which divide this State from New-Jersey has been agreed upon as the line of property, with such variations as to include within this State the islands belonging to it; and that this is also to be the line of jurisdiction, except where circumstan-

[Senate No. 2.]

ces render a departure from it proper. This was peculiarly the case with respect to the waters adjacent to the city of New-York, and we trust that the jurisdiction necessary for the health, improvement, and police of that city has been amply secured, and that the agreement herewith delivered to you will be satisfactory to the Legislature and to our fellow-citizens generally.

We are, Sir, with high respect,
Your obedient servants.

B. F. BUTLER,
PETER AUGUSTUS JAY,
HENRY SEYMOUR.

*To His Excellency WILLIAM L. MARCY,
Governor of the State of New-York.*

AGREEMENT

Made between the Commissioners on the part of the State of New-York and the Commissioners on the part of the State of New-Jersey, relative to the boundary line between the two States.

Agreement made and entered into by and between Benjamin F. Butler, Peter Augustus Jay and Henry Seymour, Commissioners duly appointed on the part and behalf of the State of New-York, in pursuance of an act of the Legislature of the said State, entitled "An act concerning the territorial limits and jurisdiction of the State of New-York and the State of New-Jersey," passed January 18th, 1833, of the one part, and Theodore Frelinghuysen, James Parker and Lucius Q. C. Elmer, Commissioners duly appointed on the part and behalf of the State of New-Jersey, in pursuance of an act of the Legislature of the said State, entitled "An act for the settlement of the territorial limits and jurisdiction between the States of New-Jersey and New-York," passed February 6th, 1833, of the other part.

ARTICLE FIRST.

The boundary line between the two States of New-York and New-Jersey, from a point in the middle of Hudson river opposite the point on the west shore thereof, in the forty-first degree of north latitude, as heretofore ascertained and marked, to the main sea, shall be the middle of the said river, of the bay of New-York, of the waters between Staten-Island and New-Jersey, and of Raritan bay, to the main sea, except as hereinafter otherwise particularly mentioned.

ARTICLE SECOND.

The State of New-York shall retain its present jurisdiction of and over Bedlow's and Ellis' islands, and shall also retain exclusive jurisdiction of and over the other islands lying in the waters above mentioned, and now under the jurisdiction of that State.

ARTICLE THIRD.

The State of New-York shall have and enjoy exclusive jurisdiction of and over all the waters of the bay of New-York, and of and over all the waters of Hudson river lying west of Manhattan island and to the south of the mouth of Spuytenduyvel creek, and of and over the lands covered by the said waters to the low wa-

ter mark on the westerly or New-Jersey side thereof; subject to the following rights of property and of jurisdiction of the State of New-Jersey, that is to say:

1. The State of New-Jersey shall have the exclusive right of property in and to the land under water lying west of the middle of the bay of New-York and west of the middle of that part of the Hudson river which lies between Manhattan island and New-Jersey.

2. The State of New-Jersey shall have the exclusive jurisdiction of and over the wharves, docks and improvements made, and to be made, on the shore of the said State, and of and over all vessels aground on said shore, or fastened to any such wharf or dock; except that the said vessels shall be subject to the quarantine or health laws, and laws in relation to passengers, of the State of New-York, which now exist or which may hereafter be passed.

3. The State of New-Jersey shall have the exclusive right of regulating the fisheries on the westerly side of the middle of the said waters, provided that the navigation be not obstructed or hindered.

ARTICLE FOURTH.

The State of New-York shall have exclusive jurisdiction of and over the waters of the Kill Van Kull, between Staten-Island and New-Jersey, to the westernmost end of Shooter's island, in respect to such quarantine laws and laws relating to passengers as now exist or may hereafter be passed under the authority of that State, and for executing the same; and the said State shall also have exclusive jurisdiction, for the like purposes, of and over the waters of the Sound, from the westernmost end of Shooter's island to Woodbridge creek, as to all vessels bound to any port in the said State of New-York.

ARTICLE FIFTH.

The State of New-Jersey shall have and enjoy exclusive jurisdiction of and over all the waters of the Sound between Staten-Island and New-Jersey lying south of Woodbridge creek, and of and over all the waters of Raritan bay lying westward of a line drawn from the light-house at Prince's bay to the mouth of Mattavan creek, subject to the following rights of property and of jurisdiction of the State of New-York.

1. The State of New-York shall have the exclusive right of property in and to the land under water, lying between the middle of the said waters and Staten-Island.

2. The State of New-York shall have the exclusive jurisdiction of and over the wharves, docks and improvements made and to be made, on the shore of Staten-Island; and of and over all vessels aground on said shore, or fastened to any such wharf or dock, except that the said vessel shall be subject to the quarantine or health laws, and laws in relation to passengers of the State of New-Jersey which now exist, or which may hereafter be passed.

3. The State of New-York shall have the exclusive right of regulating the fisheries between the shore of Staten-Island and the middle of the said waters, provided that the navigation of the said waters be not obstructed or hindered.

ARTICLE SIXTH.

Criminal process issued under the authority of the State of New-Jersey, against any person accused of an offence committed within that State; or committed on board of any vessel being under the exclusive jurisdiction of that State as aforesaid; or committed against the regulations made or to be made by that State, in relation to the fisheries mentioned in the third article; and also civil process issued under the authority of the State of New-Jersey against any person domiciled in that State, or against property taken out of that State to evade the laws thereof; may be served upon any of the said waters within the exclusive jurisdiction of the State of New-York, unless such person or property shall be on board a vessel aground upon, or fastened to the shore of the State of New-York, or fastened to a wharf adjoining thereto; or unless such person shall be under arrest, or such property shall be under seizure, by virtue of process or authority of the State of New-York.

ARTICLE SEVENTH.

Criminal process issued under the authority of the State of New-York, against any person accused of an offence committed within that State; or committed on board of any vessel being under the exclusive jurisdiction of that State as aforesaid; or committed against the regulations made or to be made by that State, in relation to the fisheries mentioned in the fifth article; and also civil process issued under the authority of the State of New-York, against any person domiciled in that State, or against property taken out of that State to evade the laws thereof; may be served upon any of the said waters within the exclusive jurisdiction of the State of New-Jersey, unless such person or property shall be on board a vessel aground upon, or fastened to the shore of the State of New-Jersey, or fastened to a wharf adjoining thereto; or unless such person shall be under arrest, or such property shall be under seizure, by virtue of process or authority of the State of New-Jersey.

ARTICLE EIGHTH.

This agreement shall become binding on the two States when confirmed by the Legislatures thereof respectively, and when approved by the Congress of the United States.

Done in four parts (two of which are retained by the Commissioners of New-York, to be delivered to the Governor of that State, and the other two of which are retained by the Commissioners of New-Jersey, to be delivered to the Governor of that

State,) at the city of New-York, this sixteenth day of September, in the year of our Lord one thousand eight hundred and thirty-three, and of the Independence of the United States the fifty-eighth.

(Signed,)

B. F. BUTLER,	THEO. FRELINGHUYSEN,
PETER AUGUSTUS JAY,	JAMES PARKER,
HENRY SEYMOUR,	LUCIUS Q. C. ELMER.

No. 3.

IN SENATE,

January 7, 1834.

ANNUAL REPORT

Of the Trustees of the State Library.

The Trustees of the State Library, in obedience to the eighth title of chapter nine, of the first part of the Revised Statutes, respectfully submit the following :

REPORT:

The sum remaining in the hands of their Treasurer, on the 18th day of December, 1832, (the day when their accounts of the last year were closed,) as will appear from their last report,

was \$215 62

The Trustees have since that time received the annual appropriation for the year 1833, (see 1 R. S., 216, sec. 1,) 1,000 00

And the amount appropriated from the Chancery fund for the year 1832, (see same page, sec. 2,)..... 300 00

Making a total of..... \$1,515 62

The payments made by their Treasurer, and for which he has rendered satisfactory vouchers to the Trustees, from the 18th December, 1832, to the 18th December, 1833, the day when their accounts for the present year were closed, have been as follows:

For books, maps, book-binding, transportation of books, preparing catalogue and labels,..... \$1,236 38

For cleaning and white-washing the Library rooms, making new cases, repair-

Carried forward,.... \$1,236 38 \$1,515 62

Brought forward,....	\$1,236 38	\$1,515 62
ing the rooms and cases, and for furni- ture,.....	94 07	
	<hr/>	1,330 45
Leaving in the hands of the Treasurer of the Trustees on the 18th December, 1833,.....		<hr/> \$185 17 <hr/>

A catalogue of all the books, maps and charts in the Library is herewith submitted.

A table of the American reports in the Library, arranged in the alphabetical order of the States, is annexed to the catalogue of law books, and marked A.

The table marked B, contains a list of all the books added to the Library since the last report.

The rules and regulations for the government of the Library accompany this report, and are marked C. They have not been altered for several years.

The payments out of the treasury for the contingent expenses of the Library, during the fiscal year ending on the 30th day of September last, have been as follows:

For wood,.....	\$47 37
For candles,.....	\$14 65
For stationary, one bill,.....	\$20 13
do do one do	19 50
	<hr/> 39 63
	<hr/> 54 28
	<hr/> \$101 65 <hr/>

The act concerning the State Library, passed April 20, 1829, (3 R. S., 174,) limits the contingent expenses of the Library for stationary and candles, to the sum of fifty dollars in each year. The amount paid for stationary and candles during the last fiscal year, as will be seen from the foregoing statement, exceeds this limitation by the sum of \$4 28: But this excess results, not from the increase of expenditure on those accounts, but from the accidental circumstance that bills belonging to different years were

presented and paid at the treasury during the last year. The bill above mentioned of 20.13, was the aggregate of an account for stationary purchased of Messrs. W. & A. Gould & Co., from November, 1831, to November, 1832; and the bill for \$19.50, was for stationary purchased of the same persons from November, 1832, to September, 1833. A reference to the report of the Trustees for the year 1831 will show that there were no payments for stationary during that year, and that only \$9.72 was paid for candles. The following statement will show the whole amount paid from the treasury for stationary and candles since the present Librarian was appointed, and since the passing of the act of 1829:

In the year 1829,.....	\$23 59
do 1830,.....	19 38
do 1831,.....	9 72
do 1832,.....	24 85
do 1833,.....	54 28
Total,.....	<u>\$131 82</u>

Showing that the average annual expenditure has only been \$26.36½; while for the year preceding those that have been mentioned, the payments on the same account amounted to \$177.06: And the Trustees avail themselves of this opportunity of saying, that the Librarian has managed all the contingent expenses of the Library in the most economical manner.

Pursuant to the 10th section of the act of the last session, (laws 1833, p. 510,) the Trustees purchased the pair of globes that had previously been deposited in the Library, and the sum of sixty dollars has been paid from the treasury on that account.

Pursuant to the 12th section of the same act, the Trustees have purchased and deposited in the Library the first volume of Audubon's Ornithology, and the sum of two hundred and twenty dollars has been paid from the treasury. The remaining volumes will be paid for as they may be delivered.

The act of the last session requiring the Library to be kept open every day in the year, Sundays excepted, has greatly increased the advantages which the public derive from that institution. The duties of the Librarian have been discharged in such a manner as

to secure the approbation of the Trustees, and all who have had occasion to visit the Library.

Following the practice which has heretofore met with the approbation of the Legislature, the Trustees intend to have this report printed in season to be laid on the tables of the members at the commencement of the next session.

All which is respectfully submitted.

GREENE C. BRONSON,
A. C. FLAGG,
JOHN A. DIX,
Trustees of State Library.

Dated December 18, 1833.

CATALOGUE

OF

BOOKS, MAPS, &c.

BELONGING TO, AND REMAINING IN THE STATE LIBRARY,
JANUARY 1, 1834.

N. B. All the books enumerated in this Catalogue are bound, and of octavo size, unless otherwise expressly mentioned: Congressional and Legislative Journals will be found arranged under the head of "State Papers;" and Statutes under "Statute Law."

LAW BOOKS.

A.

	<i>Vols.</i>
Abbot on Shipping,	1
Abstract of the Revised Statutes, (of New-York,)	1
Acton's Reports, (Prize Causes,)	2
Adams on Ejectment, see "Tillinghast's Adams on Ejectment."	
Addams' Reports, (Ecclesiastical,)	2
Addington's Penal Statutes, (fol.)	1
Addison's Reports, (Pennsylvania,)	1
Admiralty Decisions,	1
Aikens' Reports, (Vermont,)	2
Alabama Reports,	1
Allen on Prerogative,	1
Alleyn's Reports, (fol.)	1
Ambler's Reports,	1
American Chancery Digest,	1
American Digest,	5
American Jurist,	10
American Law Journal,	6
Anderson's Report, (fol.)	1
Andrews' Reports,	1
Angel on Tide Waters,	1
" " Water-Courses,	1
Angell and Ames on Corporations,	1
Anstruther's Reports, (2 vols. in one,)	1
Anthon's Nisi Prius Reports,	1

	<i>Vols.</i>
Archbold's Civil Pleadings,	1
" Criminal Pleadings,	1
" Forms and Evidence,	1
" " " duplicate,	1
" Practical Forms,	1
" Practice,	2
Ashmead's Reports, (Pennsylvania,)	1
Assize, Book of, see "Book of Assizes."	
Atkinson on Conveyancing,	2
Atkyns' Reports,	3
Attorney's Companion,	1
Azuni's Maritime Law,	2

B

Backus' Sheriff,	2
Bacon's Abridgement,	7
Ball and Beatty's Reports, (Irish Chancery,)	2
Ballantine on Limitations,	1
" " " by Tillinghast, see "Tillinghast's Ballantine on Limitations."	
Barnardiston's Reports, (fol.)	1
Barnes' Notes of Cases,	2
Barnewell and Alderson's Reports,	4
Barton's Suit in Equity,	1
Batty's Reports, (King's Bench, Ireland,)	1
Bay's Reports, (South-Carolina,)	2
Bayley on Bills,	1
Beame's Pleas in Equity,	1
Beawes' Lex Mercatoria, (4to.)	2
Beccaria on Crimes,	1
Beck's Medical Jurisprudence,	2
Bee's Reports, (U. S. District Court, South-Carolina,)	1
Bell's Commentaries on the Laws of Scotland, (4to.)	2
Belt's Supplement, see "Vesey Senior's Reports, Supplement."	
Benloe and Dalison's Reports, (fol.)	1
Bennett's Master's Office,	1
Bentham on Codification,	1
" " Government,	1
Bentham's Treatise on Judicial Evidence, see "Treatise on Judicial Evidence."	
" Théorie des Peines et des Récompenses, see "Théorie des Peines et des Récompenses."	
Bibb's Reports, (Kentucky,)	4
Bigelow's Digest of Massachusetts Reports, (old edition,)	1
Bigelow's Supplement (to his Digest,)	1
Bingham on Infancy,	1
Binney's Reports, (Pennsylvania,)	6
Biven's Digest of Modern Reports, (missing,)	1
Blackstone's Commentaries, (by Christian,)	4
" (Henry) Reports,	2
" (William) " 	2

	<i>Vols.</i>
Blake's Chancery, (old edition,)	1
Bligh's Parliamentary Reports,	3
" New Parliamentary Reports,	3
Book of Assizes, (fol.)	1
Booth on Real Actions,	1
Bosanquet and Puller's Reports, (4th and 5th volumes cited as "New Reports,")	5
Boscawen on Penal Statutes, (12mo.)	1
Brackenridge's Law Miscellanies,	1
Brayton's Vermont Reports,	1
Breese's Reports, (Illinois,)	1
Bridgman's Analytical Digest,	3
" Practical Digest,	1
" Index, see "Bridgman's Analytical Digest."	
" (Sir John) Reports, (fol.)	1
" (Sir Orlando) Reports,	1
Brown's (William) Chancery Reports,	4
" (Josiah) Parliamentary Cases,	8
Browne's (Arthur) Civil and Admiralty Law,	2
" (John) Chancery Practice,	2
" Reports, (Pennsylvania,)	2
Brownlow and Goldsborough's Reports, (4to.)	1
Bulstrode's Reports, (fol. 3 vols. in one,)	1
Bunbury's Reports,	1
Burlamaqui's Principles of Law, (Natural and Politic,)	2
Burn's Digest of Modern Reports,	1
" Ecclesiastical Law,	4
" Justice,	4
Burrows' Reports,	5
" Settlement Cases,	1
Burton on Real Property,	1

C.

Caines' Cases in Error, (New-York, 2 vols. in one,)	1
" Practice,	1
" Reports, (New-York,)	3
Call's Reports, (Virginia,)	3
Cameron and Norwood's Reports, (North-Carolina,)	1
Campbell's Nisi Prius Reports,	4
Carey's Reports, (24mo.)	1
Cary's Commentary on Littleton,	1
Carter's Reports, (fol.)	1
Carthews' Reports, (fol.)	1
Cases and Opinions,	2
Cases in Chancery,	1
Cases of Equity,	2
Cases Tempore Hardwicke, (by Lee,)	1
Cases Tempore Hardwicke, (by Ridgeway,) see "Ridgeway's Cases Tempore Hardwicke."	
Cases Tempore Talbot, (by J. G. Williams,)	1

	Vols.
Catalogue of New Law Books, see "Law Catalogue."	
Chance on Powers,	2
Chancery Rules, (Edition of 1824,)	1
" " (Revised by Chancellor Walworth,)	1
Charlton's Reports, (Georgia,)	1
Charter of the City of New-York,	1
Chase's Trial,	2
Cherokee Case,	1
Chipman's (Daniel) Reports, (Vermont,).....	1
" (Nathaniel) Reports, (Vermont, 18mo.).....	1
Chipman on Contracts,.....	1
" on Government,.....	1
Chitty's Commercial Law,	1
" Criminal Law,	3
" Law of Prerogative,.....	1
" Pleadings,	3
Chitty on Bills,	1
" " Contracts,.....	1
Christy's Digest of Louisiana Reports,	1
City Hall Recorder, (6 vols. in 2,)	2
Civil Code of France, see "Code Napoleon."	
Civil Code of Louisiana, see "Statute Law."	
Clancy's Treatise, (Husband and Wife,)	1
Code Napoleon,	1
Coke on Littleton, (First Institutes,)	3
Coke's Institutes, (2d, 3d and 4th,)	4
" Entries, (fol.).....	1
" Reports,	7
Coleman and Caines' Cases, (New-York,)	1
Collectanea Juridica,	2
Collinson on Lunacy,	2
Comberbach's Reports, (fol.).....	1
Commercial Code of France,..	1
Common Law Reports,.....	22
Comstock's Digest,	1
Comyn on Contracts,	2
" " Usury,	1
Comyn's Digest,	8
" Reports,	2
Conkling's Treatise,	1
Connecticut Reports,	8
Constable's Guide,.....	1
Constitutional Reports of South-Carolina,.....	2
Conversations on the English Constitution,.....	1
Cooper's Justinian,	1
" Reports, (Chancery,)	1
Corbett and Daniell's Reports, (Election Cases,).....	1
Corpus Jure Civilis, (4to.)	3
Cottu on the Administration of Criminal Justice,	1
County and Town Officer,	1

	<i>Vols.</i>
Coventry and Hughes' Digest,	2
Cowen's Digest,	1
" Reports,	9
Cowen's Treatise on Justice's Courts,	1
Cowper's Reports,	2
Cox's Equity Reports,	2
Coxe's Digest of Reports of the United States Courts,	1
" New-Jersey Reports,	1
Crabb's History of the English Law,	1
Cragii Jus Feudale, (fol.)	1
Cranch's Reports, (Supreme Court U. S.)	9
Cresswell's Insolvency Reports,	1
Criminal Trials,	1
Croke's Reports, (Elizabeth, James and Charles,)	3
Crompton's Practice,	2
Crompton and Jervis' Reports,	1
Crown Circuit Companion,	1
Cruise's Digest, (7 vols. in 5,)	5
Cumberland's Law of Nature, (4to.)	1
Curran's Speeches,	2
Cushing's Trustee Process,	1

D.

Dagge on Criminal Law,	3
Dallas' Reports,	4
Dane's Abridgement,	8
Daniell's Reports, (Exchequer,)	1
Danson and Lloyd's Reports, (Mercantile Cases,)	1
Danvers' Abridgment, (fol.)	3
Davies' Reports,	1
Day's Reports, (Connecticut,)	5
Debates on the Constitutional Powers of Congress,	1
De Lolme on the English Constitution,	1
Desaussure's Chancery Reports, (South-Carolina,)	4
Dickens' Reports, (Chancery,)	2
Dickinson's Justice of the Peace,	3
Dictionary of Quotations, (missing,)	1
Digest of Early Chancery Reports, (by Kekewich,)	1
Digest of South-Carolina Reports,	1
Discussions du Code Napoleon, (4to.)	3
Doctors' Commons, ("The Clerk's Instructor in the Eccle- siastical Courts,")	1
Dodson's Reports, (Admiralty,)	2
Domat's Civil Law, (fol.)	2
Douglas' Election Cases,	4
" Reports,	4
Dow's Parliamentary Reports,	6
" " " New Series,	1
Dow and Clarke's Parliamentary Reports, (2d vol.)	1

	<i>Vols.</i>
Dowling and Ryland's Reports,	9
" " " " (Magistrate Cases,)	4
Dunlap's Practice,	2
Duponceau on the Jurisdiction of the Courts of the United States,	1
Durnford and East's Reports,	8
Dwarris on Statutes,	2
Dyer's Reports, (fol.)	1

E.

East's Pleas of the Crown,	2
" Reports,	16
Eden on Injunction,	1
Eden's Reports, (Chancery,)	2
Edwards' Reports, (Admiralty,)	1
" Treatise,	1
Equity Draftsman,	1
Equity Reports, see "Desaussure's Chancery Reports."	
Espinasse's Nisi Prius,	2
" Reports, (6 vols. bound in 5,)	5
Evans' Collection of Statutes, see "Statute Law."	

F.

Fearne on Remainders,	1
Fergusson's Reports, (Divorce Cases,)	1
Finlay's Digest of Irish Reports,	1
Fitzgibbon's Reports, (fol.)	1
Fitzherbert's Natura Brevium,	2
Fonblanque on Equity,	2
Forrest's Reports, (Exchequer,)	1
Fortescue's Reports, (fol.)	1
Foster's Crown Law,	1
Fox and Smith's Reports, (King's Bench, Ireland, 2 vols. in 1,)	1
Frederician Code, see "Statute Law."	
Freeman's Chancery Reports,	1
" Law Reports,	1
" Reports, (fol.)	1
French Civil Code, see "Code Napoleon."	
Frie's Trial,	1

G.

Gallison's Reports, (Circuit Court U. S. First Circuit,)	2
Gilbert's Cases in Law and Equity,	1
" Equity,	1
" Law of Evidence, by Lofft, (4 vols. in 2,)	2
" Reports, (fol.)	1
Gill and Johnson's Reports, (Maryland,)	3
Gilmer's Reports, see "Virginia Reports."	
Glyn and Jameson's Reports, (Bankruptcy,)	2
Godbolt's Reports, (4to.)	1
Godolphin on Wills, (4to.)	1

	Vol.
Gordon's Digest of the Laws of the United States,	1
Gould's Pleadings,	1
Gow on Partnership,	1
Graham's Practice,	1
Grant's Chancery Practice,	2
Graydon's Digest of the Laws of the United States,	2
Greenleaf's Reports, (Maine,)	7
Griffith's Law Register, (3d and 4th vols.)	2
Grim's Essay, (on Registry of deeds,)	1
Grotius de Jure Belli ac Pacis,	1

H.

Haggard's Admiralty Reports,	1
" Consistory Reports,	2
" Ecclesiastical Reports,	2
Hale's History of the Common Law,	2
" Pleas of the Crown, (fol. Emlyn's edition, 1736,)	2
" " " " (Wilson's edition, 1800,)	2
Hall's Digest of Virginia Reports,	1
" Superior Court Reports,	2
Halstead's Digest of New-Jersey Reports,	1
" Reports, (New-Jersey,)	7
Hammond's Criminal Code,	1
" Digest of Chancery Reports,	1
" Reports, (Ohio,)	3
Hammond on Parties,	1
Hand's Crown Practice,	1
Hardin's Reports, (Kentucky,)	1
Hardres' Reports, (Exchequer,)	1
Harper's Equity Reports, (South-Carolina,)	1
" Reports, (South-Carolina,)	1
Harris and Gill's Reports, (Maryland,)	2
Harris and Johnson's Reports, (Maryland,)	7
Harris and M'Henry's Reports, (Maryland,)	4
Harrison's Chancery Practice, (Edition of 1796,)	2
" " " (Edition of 1808, 2 vols. bound in one,)	1
Hatsell's Precedents of Proceedings in the House of Commons,	3
Hawkins' Pleas of the Crown,	4
Hawk's Reports, (North-Carolina,)	4
Haywood's Reports, (North-Carolina,)	2
Hening and Munford's Reports, (Virginia,)	4
Henry's Reports,	1
Hetley's Reports, (fol.)	1
Hobart's Reports, (fol.)	1
Hoffman's Legal Outlines,	1
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Politics of Ancient Greece, (by Bancroft,).....	1
Pope's Works, (12mo. 1st and 6th vols. missing,)	9
Population Returns of 1831,	1
" " " (Duplicate,).....	1
Porter's Journal of a Cruise to the Pacific Ocean,	2
Porter's (Sir Robert Ker) Travels, (4to.).....	2
Post's Visit to Greece, see "A Visit to Greece."	
Posthumous Works of Junius,	1
Potter's Antiquities of Greece,.....	1
Present State of Virginia, (printed in 1705, missing,).....	1
Priestley on Electricity, (4to.)	1
" on Government,.....	1
" on History,.....	1
Prince's New-England Chronology, see "New-England Chronology."	
Principles and Acts of the Revolution,	1
Prior's Life of Burke, see "Memoirs of Burke."	
Public Characters,.....	1

Q.

Quarterly Review, (35th and 40th volumes missing, and numbers 69 and 74 extra,)	50
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R.

Raleigh's History of the World, (printed in 1614, fol.)	1
Rail-Road Reports, (Massachusetts,)	1
Ramsay's Universal History,	12
Ranking's Conquest of Peru and Mexico,	1
Rapin's History of England, (last vol. incomplete,)	15
Recherches Statistiques sur la Ville de Paris, (2d, 3d and 4th volumes,)	3
Rees' Cyclopædia, see "Cyclopædia."	
Repertory of Arts, (1st series, with Index,)	17
" " (2d " Index wanting,)	30
Reports on Railways, (Strickland's fol.)	1
Robertson's America,	2
" Charles V,	3
" India,	1
" Scotland,	2
Rollin's Ancient History, (12mo.)	8
Rolt's History of South America,	1
Roscoe's Lorenzo de Medici,	3
Rovigo's (Duke of) Memoirs,	4
Rural Philosophy,	1
Russell's Europe, (Ancient,)	2
" " (Modern,)	6
Rycaut's Commentaries of Peru, (fol.)	1
" Turkish History, (fol. printed in 1680,)	1

S.

Sadler's Law of Population,	2
" State Papers, (4to.)	2
Saint Domingo, Description of, translated by Cobbett,	1
Sale's Koran,	2
Salt's Abyssinia,	1
Sauer's Expedition to the Northern Part of Russia, from 1785 to 1794, (4to.)	1
Savary's Letters on Greece,	1
" Memoirs, see "Rovigo's (Duke of) Memoirs."	
Saxe Weimar's Travels,	1
" " Duplicate,	1
Say's Entomology and Glossary,	4
" Political Economy,	2
Scott's Prose Works, (12mo.)	6
" Napoleon,	3
Schrevelii Lexicon, (Greek,)	1
Segur's Memoirs,	1
Select American Speeches,	2
Session of Parliament, (1825,)	1
Seybert's Statistical Annals, (4to.)	1

	Fol.
Tacitus, see "Murphy's Tacitus."	
Taylor's Survey of German Poetry,	3
Temple's Works, (printed in 1720, fol.)	2
The Circle of Mechanical Arts, (4to.)	1
The Ladies' Magazine, (vol. 1, 10 numbers, unbound, 2d and 10th numbers wanting.) -	
" " (vol. 2, 10 numbers, unbound, 3d and 5th numbers wanting.)	
" " (vol. 3, 1st number only.)	
The Life of John Locke,	2
The Political Life of Mr. Canning,	3
The Spirit of the Age, or Cotemporary Portraits,	1
The Spy Unmasked, (missing,)	1
The Travels of Marco Polo. (4to.)	1
The Western Review, see "Western Review."	
Theory of the Earth, (by Cuvier,)	1
Thomas' Practice of Physic, (missing,)	1
Thomas' History of Printing,	2
Thompson's Chemistry,	4
Timkowski's Travels,	2
Torren on the Production of Wealth,	1
Transactions of the Albany Institute,	1
Transactions of the American Philosophical Society, (4to.) ...	1
Traité Élémentaire des Machines, (4to.)	1
Travels in Africa by Denham and Clapperton,	1
" in Brazil by Von Spix and Von Martius,	2
" of George Keppel, see "Keppel's Narrative."	
" of the Duke of Saxe Weimar, see "Saxe Weimar's Travels."	
Tredgold on Hydraulics,	1
" on Warming and Ventilating Buildings,	1
" on the Strength of Cast Iron,	1
" on Rail-Roads and Carriages,	1
Trumbull's History of Connecticut,	2
" History of the United States,	1
Tudor's Letters on the Eastern States,	1
Turner's History of the Anglo-Saxons,	3
" History of England during the Middle Ages,	5
" Modern History of England,	4

U.

Ulloa's Travels in South America,	2
Universal Biography, (by Lord,)	2
Universal Gazetteer,	1
Ure's Dictionary of Chemistry,	1

V.

Vader Landsche Historie,	21
Verplanck's Discourse,	1
View of the United States, (by Darby,)	1

Voyage of Columbus, (by Las Casas,) see "First Voyage of Columbus." Vols.

Voyages into the Arctic Regions, (by Barrow, half bound,)... 1
Volney's View of the Soil and Climate of the United States,.. 1

W.

Walker's Dictionary,	1
" Rhetorical Grammar,	1
Walpole's Letters to Mann,.....	3
Walsh's Appeal,	1
Ward's Mexico,.....	2
Warton's History of English Poetry,.....	4
Washington's Letters,	2
Watson's Annals of Philadelphia,	1
" Philip II. and Philip III.	2
Watson on Canals and Agriculture,	1
Wealth of Nations, (by Adam Smith, Edition of 1818; Play- fair's,).....	2
Webster's Dictionary,	2
Weld's Travels through North America and Canada,	2
Western Monthly Review, (1st volume missing,)	2
" " " (11 numbers of 3d volume, 7th number missing.)	
" " " (12th number of 1st volume.)	
Western Review,	1
West India Common Place Book, (4to.).....	1
Willard's Republic of America,	1
Williams' History of Vermont,	2
" Register,	4
Wilson's History of Mountains, (4to.)	3
Wirt's Life of Patrick Henry,.....	1
Worcester's Gazetteer, (Ancient and Modern,)	2
Wordsworth's Poetical Works,	4
Works of Dugald Stewart,	7
Works of the Rev. Robert Hall,	6
Wynne's History of America,.....	2

Y.

Year in Spain, see "A Year in Spain."
Young's France, in 1787, 1788 and 1789,..... 2

Z.

Zimmerman's Survey of Europe, 1

GLOBES.

	<i>Vols.</i>
Celestial,	1
Terrestrial,	1

ATLASES.

African Coast, (4to.)	1
American Atlas, (fol.)	1
English Atlas, (by Nicolson, fol.)	4
Mercator's Atlas, (fol.)	1
New General Atlas, (fol.)	1

MAPS.

Arrowsmith's Four Quarters of the Globe, (America and Europe missing,)	2
Bartlett's Map of the Heavens, or Celestial Planisphere,	1
Bouchett's Map of Lower Canada,	1
" Map of Upper and Lower Canada,	1
Carleton's Map of the District of Maine,	1
" Map of the State of Massachusetts,	1
Eddy's Map of the State of New-York,	1
Farmer's Map of the Michigan Territory,	1
Finley's Map of Asia,	1
" Map of Europe,	1
" Map of South America,	1
" Historical Map, (missing,)	1
Gillet's Map of New-England, (Northern Part,)	1
" " " (Southern Part,)	1
" Map of New-York,	1
Gordon's Map of the State of New-Jersey,	1
Greenleaf's Map of the State of Maine,	1
Lay's Map of South America, (missing,)	1
" Map of the State of New-York, (1817,)	1
Lewis' Map of the United States,	1
Longworth's Map of the City of New-York,	1
Map of New-Belgium in 1659,	1
Pierce's Map of the State of New-York,	1
Van Alen's Map of the City of Albany,	1
Vance's Map of the Western Part of the State of New-York,	1
" Map of the United States,	1
" Map of the World, on a Globular Projection,	1
Warren and Gillet's Map of the State of Connecticut,	1
Wiltberger's Map of the Countries found in Sacred, Classical and Ecclesiastical Writers, with a Vocabulary,	2

CHARTS.

	Feet.
Blount's New Chart of the Atlantic or Western Ocean,	1
" " " of the South Atlantic Ocean,	1
" " " of the Coast of the United States from New-York to St. Augustine,	1
" " " of the Northeastern Coast of North Ame- rica from New-York to Cape Canso, 1	
" " " of the West Indies,	1
" " " of the Bahama Banks and Gulf of Florida, 1	

PRINTS.

Engraved Print of the Declaration of Independence,	1
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ENGRAVED PORTRAITS, *Framed.*

Of John Adams,	1
John Quincy Adams,	1
John C. Calhoun,	1
Henry Clay,	1
William H. Crawford,	1
Andrew Jackson,	1
" " (full length,)	1
General La Fayette,	1
" " (full length,)	2
Commodore Macdonough,	1
Commodore Perry,	1
General Washington,	1

One Bust of General Jackson.

One Monumental Engraving of the late Governor De Witt Clinton.

In the Law Library there are	2552 Vols.
In the Miscellaneous " "	1993 "
Total,	4545 Vols.

(B.)

LIST
OF BOOKS PURCHASED FOR THE STATE LIBRARY,
DURING THE YEAR 1882.

LAW BOOKS.

	<i>Vols.</i>
American Jurist, (9th and 10th vols.).....	2
Angell and Ames on Corporations,	1
Chipman on Government,	1
Common Law Reports, (21st and 22d vols.)	2
Connecticut Reports, (8th vol.)	1
Cragii Jus Feudale, (fol.)	1
Cushing's Trustee Process,.....	1
Gill and Johnson's Reports, (Maryland, 3d vol.).....	1
Godolphin on Wills, (4to.)	1
Greenleaf's Reports, (Maine, 7th vol.).....	1
Grim's Essay, (on Registry of Deeds,)	1
Hall's Superior Court Reports, (New-York, 2d vol.)	1
Hughes on Insurance,	1
Law Glossary,	1
Law Magazine,	7
Mence's Law of Libel, (2 vols. bound in one,)	1
New-Hampshire Reports, (5th vol.)	1
Ohio Reports Condensed, (by Wilcox,)	1
Paige's Chancery Reports, (New-York, 3d vol.)	1
Peters' Reports, (Sup. Court of the United States, 7th vol.) ..	1
Pickering's Reports, (Massachusetts, 10th vol.)	1
Rawle's Reports, (Pennsylvania, 3d vol.)	1
Story's Commentaries,	3
Supreme Court Rules, (New-York,)	1

[Senate No. 3.]

	<i>Vols.</i>
Tate's Digest, (of the Laws of Virginia,)	1
The Jurist, or Quarterly Journal of Jurisprudence, (vol. 2d,) .	1
Trial of Judge Peck,	1
Vermont Reports, (4th vol.)	1
Wendell's Reports, (New-York, 9th vol.)	1
Wentworth on Executors,	1

STATUTE LAW.

Georgia, Session Laws of,	1
Indiana, " " "	1
Maine, " " "	2
Maryland, " " "	2
Massachusetts, " " "	2
New-York, " " "	2
United States, Acts of 22d Congress,	1
Of Upper Canada, (4to.)	1

Journals of the Senate of the United States.

22d Congress, 1st Session, (bound,)	1
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Journals of the House of Representatives.

22d Congress, 1st Session, (bound,)	1
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Senate Documents.

22d Congress, 1st Session, (bound,)	3
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Documents of the House of Representatives.

22d Congress, 1st Session, (Reports of Committees,)	5
" " " " (Executive Documents,)	6

Journals of New-York.

Of Senate, Journal, 56th Session,	1
Of Assembly, " " "	1
Senate Documents,	2
Assembly "	4

MISCELLANEOUS BOOKS.

Actions of the French at Canada, (small 4to.)	1
African Repository, (8th vol.)	1
Albany Argus,	2
Albany Directory,	1
American Almanack,	5
American Annual Register, (5th vol.)	1

	<i>Vols</i>
American Ornithology, (Bonaparte's, 4th vol. fol.)	1
Annual Biography and Obituary, (17th vol.).....	1
Auldjo's Vesuvius,.....	1
Audubon's Birds of America, (fol.).....	1
Bright's Travels in Hungary, (4to.)	1
Burne's Court of Sinde,	1
Chalmers' Political Economy,	1
Coxe's Memoirs of the Pelham Administration, (4to.).....	2
" " " Walpole " 	2
Denton's Description of New-York, (small 4to.)	1
Dobell's Siberia,	2
Drewry on Suspension Bridges,	1
Earle's Residence in New-Zealand,	1
Edinburgh Review, (56th and 57th vols.).....	2
Encyclopædia Americana, (12th and 13th vols.)	2
Gazetteer of the United States,	1
Hazard's Register of Pennsylvania, (10th and 11th vols. fol.)..	2
Heeren's Historical Researches, (Nations of Africa,)	2
" " " (Asiatic Nations,)	3
" History of Ancient Greece,.....	1
" Manual of Ancient History,	1
History of Charlemagne,	1
Holland's Travels in Albania, &c. (4to.)	1
Humboldt's Personal Narrative,	7
Huskisson's Speeches,	3
Journal of the Geographical Society,	2
Life of Dr. Burney,	3
" Dr. Currie,	2
" Gregory VII.	1
" Lord Edward Fitzgerald, (by Moore, 12mo.)	2
" Louis XVIII.	2
" Sir David Baird,	2
" Sir James E. Smith,	2
" Sir Thomas Munroe,	2
Lives of Italian Poets,	3
Mackenzie's Travels in Iceland, (4to.)	1
Mahon's War of the Succession (in Spain,)	1
Malte-Brun's Universal Geography, (5th and 6th vols.)	2
Memoirs of Franklin,	2
Memorials of John Hampden, (by Lord Nugent,)	2
Mill's British India,	6
Montgomery's Lectures,	1

	<i>Vols.</i>
Murat's United States,	1
Murray's North America,	2
Niles' Weekly Register, (43d vol.).....	1
North American Review, (36th and 37th vols.)	2
Oldfield's Representative History,.....	6
Oxford English Prize Essays,	4
" " " Poems,	1
Paley's Works,	6
Palgrave's English Commonwealth, (4to.).....	2
Pebrer on Taxation of the British Empire,.....	1
Penitentiary System of the United States,	1
Population Returns (of 1831,)	1
Quarterly Review, (47th, 48th and 49th vols.).....	3
Silliman's Journal of Science and Arts, (23d and 24th vols.)..	2
Sketches of the Highlanders, (by Sir David Stewart,)	2
Stapleton's Life of Canning,	3
Taylor's Survey of German Poetry,	3
Tredgold on Rail-Roads and Carriages,	1
Universal Gazetteer,	1
Verplanck's Discourse,	1
Walpole's Letters to Mann,	3
Williams' Register,	4
Works of the Rev. Robert Hall, (6th vol.)	1

GLOBES.

1 Celestial Globe,	1
1 Terrestrial Globe,.....	1

MAP.

Map of New-Belgium in 1859,	1
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(C.)

BY-LAWS,

RULES AND REGULATIONS,

ORDAINED AND ESTABLISHED BY THE

TRUSTEES OF THE NEW-YORK STATE LIBRARY,

PURSUANT TO AUTHORITY GIVEN THEM BY LAW.

1. During the Session of the Legislature, or of the Senate only, and during the sitting of the Court of Errors, of the Court of Chancery, and of the Supreme Court, the Library shall be open from the hour of nine in the morning, until the hour of nine in the evening.

2. The Library shall also be open at such other times as any one Trustee may request, for the benefit of visitors.

3. Whenever the Library is open, the Librarian shall attend the same, and shall carefully preserve the books, maps and charts therein, from being injured or taken away.

4. Any member of the Senate or Assembly, during the session of the Legislature, or of the Senate only, or during the sitting of the Court of Errors, is permitted to take to his boarding-house or private room, any book belonging to the Library, under the following rules, restrictions, forfeitures and penalties:

1. No member of either branch of the Legislature shall be permitted to take from the said Library more than two volumes at any one time, nor detain them longer than two weeks.

2. The Librarian shall enter in a book to be by him kept for the purpose, the names of the members taking any, and what books, and the times when taken and returned.

3. The Librarian, when requested by the President of the Senate, the Speaker of the Assembly, or by any member of the Legislature, and always at the close of the session of the Legislature or Court of Errors, shall make out and deliver a certificate, stating that any member, therein to be named, has returned all books taken by him out of the said Library, and has settled all accounts for fines, for injuring the said books, or otherwise, as the truth of the case may be; also naming any member in default, and specifying therein such defalcation or injury to any books.

4. The following books are not permitted to be taken out of the Capitol, under any pretence:

Rees' Cyclopædia;
Wilson's Ornithology;
Lexicons, Dictionaries, and Law Books;
Edinburgh, Quarterly, and North American Reviews.

5. Should any member of the Legislature fail to return any book taken by him, he shall be held responsible for its value; and if it belongs to a set of volumes, for the value of the set, unless he shall supply the chasm.

6. Should any book be injured while in the possession of any member of the Legislature, the Treasurer of the Board shall settle with and receive from the said member a compensation equal to the injury; or the said member shall, at his own expense, cause the injury to be repaired.

7. No book, map, or other publication, shall be at any time taken out of the Library by any other person than a member of the Legislature, for any purpose whatever.

No. 4.

IN SENATE,
January 9, 1834.

Standing Committees of the Senate.

JANUARY, 1834.

On Claims.

Mr. Sudam,
Mr. Tracy,

Mr. Fisk.

On Finance.

Mr. Dodge,
Mr. Van Schaick,

Mr. Halsey.

On the Judiciary.

Mr. Lansing,
Mr. Edmonds,

Mr. Edwards.

On the Militia.

Mr. Foster,
Mr. Maison,

Mr. Kemble.

On Canals.

Mr. Hubbard,
Mr. Armstrong,

Mr. Livingston.

On Rail-Roads.

Mr. Edwards,
Mr. Mack,

Mr. Maison.

On Roads and Bridges.

Mr. Westcott,
Mr. Lynde,

Mr. Seger.

On Literature.

Mr. Van Schaick,
Mr. Gansevoort,

Mr. Bishop.

On State Prisons.

Mr. Macdonald,	Mr. Foster.
Mr. Seward,	

On Banks and Insurance Companies.

Mr. Edmonds,	Mr. Armstrong.
Mr. Stower,	

On the Division of Counties and Towns.

Mr. Conklin,	Mr. Mack.
Mr. Fisk,	

On Agriculture.

Mr. Halsey,	Mr. Griffin.
Mr. Cropsey,	

On Manufactures.

Mr. Quackenboss,	Mr. Bishop.
Mr. Cary,	

On Privileges and Elections.

Mr. McDowell,	Mr. Dodge.
Mr. Westcott,	

On Enrolled Bills.

Mr. Lynde,	Mr. Seger.
Mr. Hasbrouck,	

On Indian Affairs.

Mr. Seward,	Mr. Kemble.
Mr. Conklin,	

On Expiring Laws.

Mr. Tracy,	Mr. Cropsey.
Mr. Macdonald,	

On Expenditures.

Mr. Stower,	Mr. Quackenboss.
Mr. Griffin,	

On the Incorporation of Cities and Villages.

Mr. Gansevoort,	Mr. Livingston.
Mr. Birdsall,	

Select Committees on the Governor's Message.

On the Deaf and Dumb.

Mr. Birdsall,
Mr. Dodge,

Mr. McDowall.

On Asylum for the Blind.

Mr. Cropsey,
Mr. Cary,

Mr. Hubbard.

On Asylum for Insane.

Mr. Hasbrouck,
Mr. Lansing,

Mr. Edmonds.

On Duty on Salt, &c.

Mr. Edwards,
Mr. Mack,

Mr. Gansevoort.

On County Poor-Houses, &c.

Mr. Fisk,
Mr. Seward,

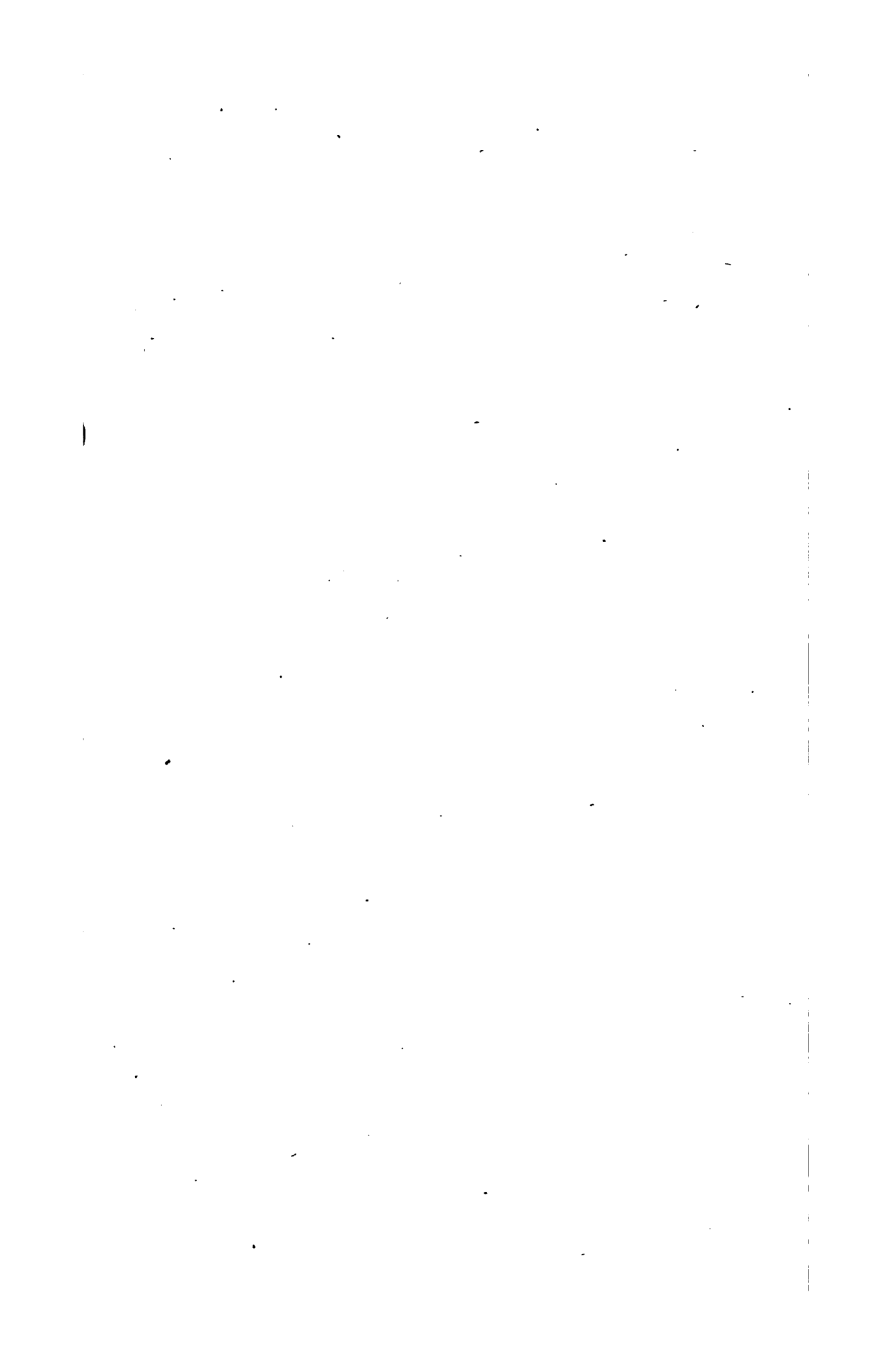
Mr. Westcott.

Joint Committee.

On Boundary Line of New-Jersey and New-York.

Mr. Sudam,
Mr. Lansing,

Mr. Livingston.



No. 5.

MEMBERS AND OFFICERS
COMPOSING THE
SENATE
OF THE
STATE OF NEW-YORK,
WITH THEIR RESPECTIVE

Districts, Classes, and Places of Residence.

FIFTY-SEVENTH SESSION, 1834.

Hon. JOHN TRACY, President, Congress-Hall.

NAMES.	Dis.	CLASS.	PLACE OF RESIDENCE.
Thomas Armstrong,....	7	fourth,	American Hotel.
John Birdsell,.....	8	second,	Mott's, cor. Chapel-st. and
Isaac W. Bishop,	4	fourth,	City Hotel. [Maiden-lane.
Trumbull Cary,	8	first,	Bement's Hotel.
Jonathan S. Conklin, ...	1	first,	Western Hotel.
Harman B. Cropsey,...	1	second.	American Hotel.
William I. Dodge,	4	first,	do
John W. Edmonds,	3	second,	City Hotel.
Samuel L. Edwards, ...	7	third,	American Hotel.
Josiah Fisk,.....	4	second,	Misses Fitch, N. Pearl-st.
Henry A. Foster,.....	5	first,	American Hotel.
Peter Gansevoort,	3	third,	Dwelling H. 270 N. Market-st.
John Griffin,	8	third,	Eagle-street Hotel.
Jehiel H. Halsey,.....	7	second,	American Hotel.
Louis Hasbrouck,.....	4	third,	Bement's Hotel.
John F. Hubbard,.....	6	third,	Eagle Tavern.
John C. Kemble,	3	fourth,	City Hotel.
Robert Lansing,	5	second,	Mrs. Lockwood's.
Charles L. Livingston,..	1	fourth,	Eagle Tavern.
Charles W. Lynde,	6	first,	Adelphi Hotel.
Allan Macdonald,.....	2	second,	Congress-Hall.
John G. McDowell,....	6	second,	National & Columbian Hotel.
Ebenezer Mack,.....	6	fourth,	Bement's Hotel.
Leonard Maison,	2	fourth,	Congress-Hall.
Herman I. Quackenboss,	3	first,	Bement's Hotel.
Francis Seger,	5	fourth,	Congress-Hall.
William H. Seward,....	7	first,	Bement's Hotel.
John G. Stower,.....	5	third,	American Hotel.
John Sudam,.....	2	third,	Eagle Tavern.
Albert H. Tracy,.....	8	fourth,	Mrs. Lockwood's.
Myndert Van Schaick, .	1	third,	Eagle Tavern.
David M. Westcott,....	2	first,	National & Columbian Hotel.

JOHN F. BACON, Clerk, 157 Washington-street.

JAMES LIVINGSTON, Sergeant-at-Arms, No. 22 Fayette-street.

JAMES D. WASSON, Door-Keeper, No. 22 Fayette-street.

[Senate No. 5.]

No. 6.

IN SENATE,
January 11, 1834.

ENGROSSED RESOLUTIONS

**Relative to the removal of the public deposits from
the United States Bank.**

STATE OF NEW-YORK,

IN ASSEMBLY, January 10th, 1834.

Resolved, (if the Senate concur,) That the removal of the public deposits from the Bank of the United States, is a measure of the administration of which we highly approve.

Resolved, (if the Senate concur,) That the senators from this State be directed, and the representatives from this State be requested, to oppose any attempt to restore the deposits to the Bank of the United States.

Resolved, (if the Senate concur,) That we approve of the communication made by the President of the United States to his Cabinet on the eighteenth of September last, and of the reasons given by the Secretary of the Treasury relative to the removal of the deposits.

Resolved, (if the Senate concur,) That the charter of the Bank of the United States ought not to be renewed.

Resolved, (if the Senate concur,) That the Secretary of State be requested to forward to each senator and representative a copy of these resolutions.

By order,

WM. BAKER, Speaker.

Attest,

P. REYNOLDS, Jr. Clerk.

[Senate No. 6.]

No. 7.

IN SENATE,

January 11, 1834.

STATE OF NEW-YORK, }
In Senate, Jan. 11, 1834. }

Resolved, That the communication made by the President of the United States to his Cabinet on the 18th Sept. last, and the reasons given by the Secretary of the Treasury relative to the removal of the deposits, be printed.

By order,

J. F. BACON,
Clerk.

UNITED STATES BANK.

Removal of the Public Deposites.

[Read to the Cabinet on the 18th September 1833.]

Having carefully and anxiously considered all the facts and arguments which have been submitted to him, relative to a removal of the public deposits from the Bank of the United States, the President deems it his duty to communicate in this manner to his Cabinet, the final conclusions of his own mind, and the reasons on which they are founded, in order to put them in durable form, and to prevent misconceptions.

The President's convictions of the dangerous tendencies of the Bank of the United States, since signally illustrated by its own acts, were so overpowering when he entered upon the duties of Chief Magistrate, that he felt it his duty, notwithstanding the objections of the friends by whom he was surrounded, to avail himself of the first occasion to call the attention of Congress and the people to the question of its recharter. The opinions expressed in his annual message of December, 1829, were reiterated in those of

[Senate No. 7.]

1830 and 1831; and in that of 1830, he threw out for consideration some suggestions in relation to a substitute. At the session of 1831-2, an act was passed by a majority of both houses of Congress rechartering the present Bank, upon which the President felt it his duty to put his constitutional veto. In his message returning that act, he repeated and enlarged upon the principles and views briefly asserted in his annual messages, declaring the Bank to be, in his opinion, both inexpedient and unconstitutional, and announcing to his countrymen, very unequivocally, his firm determination never to sanction, by his approval, the continuance of that institution, or the establishment of any other upon similar principles.

There are strong reasons for believing that the motive of the Bank in asking for a recharter at that session of Congress, was to make it a leading question in the election of a President of the United States, the ensuing November; and all steps deemed necessary were taken to procure from the people a reversal of the President's decision.

Although the charter was approaching its termination, and the Bank was aware that it was the intention of the government to use the public deposit as fast as it accrued, in the payment of the public debt, yet did it extend its loans from January, 1831, to May, 1832, from \$42,402,304.24 to \$70,428,070.72, being an increase of \$28,025,766.48, in sixteen months. It is confidently believed that the leading object of this immense extension of its loans, was to bring as large a portion of the people as possible under its power and influence; and it has been disclosed, that some of the largest sums were granted on very unusual terms to conductors of the public press. In some of these cases, the motive was made manifest by the nominal or insufficient security taken for the loans, by the large amounts discounted, by the extraordinary time allowed for payment, and especially by the subsequent conduct of those receiving the accommodations.

Having taken these preliminary steps to obtain control over public opinion, the Bank came into Congress and asked a new charter. The object avowed by many of the advocates of the Bank, was to *put the President to the test*, that the country might know his final determination relative to the Bank prior to the ensuing election. Many documents and articles were printed and circulated at the

expense of the Bank, to bring the people to a favorable decision upon its pretensions. Those whom the Bank appears to have made its debtors for the special occasion, were warned of the ruin which awaited them, should the President be sustained, and attempts were made to alarm the whole people by painting the depression in the price of property and produce, and the general loss, inconvenience and distress, which it was represented would immediately follow the re-election of the President in opposition to the Bank.

Can it now be said that the question of a re-charter of the Bank was not decided at the election which ensued? Had the veto been equivocal, or had it not covered the whole ground—if it had merely taken exceptions to the details of the bill, or to the time of its passage—if it had not met the whole ground of constitutionality and expediency, then there might have been some plausibility for allegation that the question was not decided by the people. It was to compel the President to take his stand that the question was brought forward at that particular time. He met the challenge, willingly took the position into which his adversaries sought to force him, and frankly declared his unalterable opposition to the Bank as being both unconstitutional and inexpedient. On that ground the case was argued to the people, and now that the people have sustained the President, notwithstanding the array of influence and power which was brought to bear upon him, it is too late, he confidently thinks, to say that the question has not been decided. Whatever may be the opinions of others, the President considers his re-election as a decision of the people against the Bank. In the concluding paragraph of his Veto Message, he said:

“I have now done my duty to my country. If sustained by my fellow citizens, I shall be grateful and happy; if not, I shall find in the motives which impel me, ample grounds for contentment and peace.”

He was sustained by a just people, and he desires to evince his gratitude by carrying into effect their decision, so far as it depends upon him.

Of all the substitutes for the present Bank which have been suggested, none seems to have united any considerable portion of the public in its favor. Most of them are liable to the same constitutional objections for which the present Bank has been condemned, and perhaps to all there are strong objections on the score of ex-

pediency. In ridding the country of an irresponsible power, which has attempted to control the government, care must be taken not to unite the same power with the Executive branch. To give a President the control over the currency and the power over individuals now possessed by the Bank of the United States, even with the material difference that he is responsible to the people, would be as objectionable and as dangerous as to leave it as it is. Neither the one nor the other is necessary, and therefore ought not to be resorted to.

On the whole, the President considers it as conclusively settled that the charter of the Bank of the United States will not be renewed, and he has no reasonable ground to believe that any substitute will be established. Being bound to regulate his course by the laws as they exist, and not to anticipate the interference of the legislative power, for the purpose of framing new systems, it is proper for him seasonably to consider the means by which the services rendered by the Bank of the United States are to be performed after its charter shall expire.

The existing laws declare, that "the deposits of money of the United States, in places in which the said Bank and branches thereof may be established, shall be made in said Bank or branches thereof, unless the Secretary of the Treasury shall at any time otherwise order and direct, in which case the Secretary of the Treasury shall immediately lay before Congress, if in session, and if not, immediately after the commencement of the next session, the reason of such order or direction."

The power of the Secretary of the Treasury over the deposits is *unqualified*. The provision that he shall report his reasons to Congress, is no limitation. Had it not been inserted, he would have been responsible to Congress, had he made a removal for any other than good reasons; and his responsibility now ceases, upon the rendition of sufficient ones to Congress. The only object of the provision, is to make his reasons accessible to Congress, and enable that body the more readily to judge of their soundness and purity, and thereupon to make such further provision by law as the legislative power may think proper in relation to the deposit of the public money. Those reasons may be very diversified. It was asserted by the Secretary of the Treasury without contradiction, as early as 1817, that he had power "to control the proceedings" of the

Bank of the United States at any moment, "by changing the deposits to the State Banks," should it pursue an illiberal course towards those institutions; that "the Secretary of the Treasury will always be disposed to support the credit of the State Banks, and will invariably direct transfers from the deposits of the public money in aid of their legitimate exertions to maintain their credit;" and he asserted a right to employ the State Banks, when the Bank of the United States should refuse to receive on deposit the notes of such State Banks as the public interest required should be received in payment of the public dues. In several instances he did transfer the public deposits to State Banks, in the immediate vicinity of branches, for reasons connected only with the safety of those banks, the public convenience and the interests of the Treasury.

If it was lawful for Mr. Crawford, the Secretary of the Treasury, at that time, to act on these principles, it will be difficult to discover any sound reason against the application of similar principles in still stronger cases. And it is a matter of surprise that a power which, in the infancy of the Bank, was freely asserted as one of the ordinary and familiar duties of the Secretary of the Treasury, should now be gravely questioned, and attempts made to excite and alarm the public mind, as if some new and unheard of power was about to be usurped by the executive branch of the government.

It is but a little more than two and a half years to the termination of the charter of the present Bank. It is considered as the decision of the country that it shall then cease to exist; and no man the President believes, has reasonable ground for expectation that any other Bank of the United States will be created by Congress. To the Treasury Department is intrusted the safe keeping and faithful application of the public moneys. A plan of collection different from the present, must therefore be introduced and put in complete operation before the dissolution of the present Bank. When shall it be commenced? Shall no step be taken in this essential concern until the charter expires, and the Treasury finds itself without an agent, its accounts in confusion, with no depository for its funds, and the whole business of the government deranged? or shall it be delayed until six months, or a year, or two years before the expiration of the charter? It is obvious that any new system which may be substituted in the place of the Bank of

the United States, could not be suddenly carried into effect on the termination of its existence, without serious inconvenience to the government and the people. Its vast amount of notes are then to be redeemed and withdrawn from circulation, and its immense debt collected. These operations must be gradual, otherwise much suffering and distress will be brought upon the community. It ought to be not a work of months only, but of years; and the President thinks it cannot, with due attention to the interests of the people, be longer postponed. It is safer to begin too soon, than to delay it too long.

It is for the wisdom of Congress to decide upon the best substitute to be adopted in the place of the Bank of the United States; and the President would have felt himself relieved from a heavy and painful responsibility, if in the charter to the Bank, Congress had reserved to itself the power of directing, at its pleasure, the public money to be elsewhere deposited, and had not devolved that power exclusively on one of the Executive Departments. It is useless now to inquire why this high and important power was surrendered by those who are peculiarly and appropriately the guardians of the public money. Perhaps it was an oversight. But as the President presumes that the charter to the Bank is to be considered as a contract on the part of the government, it is not now in the power of Congress to disregard its stipulations; and by the terms of that contract the public money is to be deposited in the Bank, during the continuance of its charter, unless the Secretary of the Treasury shall otherwise direct. Unless, therefore, the Secretary of the Treasury first acts, Congress have no power over the subject, for they cannot add a new clause to the charter or strike one out of it without the consent of the Bank; and consequently the public money must remain in that institution to the last hour of its existence, unless the Secretary of the Treasury shall remove it at an earlier day. The responsibility is thus thrown upon the Executive branch of the government, of deciding how long before the expiration of the charter, the public interest will require the deposits to be placed elsewhere. And although, according to the frame and principle of our government, this decision would seem more properly to belong to the legislative power, yet as the law has imposed it upon the Executive Department, the duty ought to be faithfully and firmly met, and the decision made and executed upon the best lights that can be obtained, and the best judgment that can be formed. It would ill become the executive

branch of the government to shrink from any duty which the law imposes on it, to fix upon others the responsibility which justly belongs to itself. And while the President anxiously wishes to abstain from the exercise of doubtful powers, and to avoid all interference with the rights and duties of others, he must yet, with unshaken constancy, discharge his own obligations; and cannot allow himself to turn aside, in order to avoid any responsibility which the high trust with which he has been honored requires him to encounter; and it being the duty of one of the executive departments to decide in the first instance, subject to the future action of the legislative power, whether the public deposits shall remain in the Bank of the United States until the end of its existence, or be withdrawn some time before, the President has felt himself bound to examine the question carefully and deliberately, in order to make up his judgment on the subject; and in his opinion, the near approach of the termination of the charter, and the public considerations heretofore mentioned, are of themselves amply sufficient to justify the removal of the deposits, without reference to the conduct of the Bank, or their safety in its keeping.

But in the conduct of the Bank may be found other reasons very imperative in their character, and which require prompt action.— Developments have been made from time to time of its faithlessness as a public agent, its misapplication of public funds, its interference in elections, its efforts, by the machinery of committees, to deprive the Government Directors of a full knowledge of its concerns, and above all, its flagrant misconduct as recently and unexpectedly disclosed in placing all the funds of the Bank, including the money of the Government, at the disposition of the president of the Bank as means of operating upon public opinion and procuring a new charter without requiring him to render a voucher for their disbursement. A brief recapitulation of the facts which justify these charges, and which have come to the knowledge of the public and the President, will, he thinks, remove every reasonable doubt as to the course which it is now the duty of the President to pursue.

We have seen that in sixteen months ending in May, 1832, the Bank had extended its loans more than \$28,000,000, although it knew the Government intended to appropriate most of its large deposit during that year in payment of the public debt. It was in May, 1832, that its loans arrived at the maximum, and in the pre-

ceding March, so sensible was the Bank that it would not be able to pay over the public deposits when it would be required by the Government, that it commenced a secret negotiation without the approbation or knowledge of the Government, with the agents, for about \$2,700,000 of the three per cent stocks held in Holland, with a view of inducing them not to come forward for payment for one or more years after notice should be given by the Treasury Department. This arrangement would have enabled the Bank to keep and use during that time the public money set apart for the payment of these stocks.

After this negotiation had commenced, the Secretary of the Treasury informed the Bank that it was his intention to pay off one half of the three per cents on the first day of the succeeding July, which amounted to about \$6,500,000. The President of the Bank, although the committee of investigation was then looking into its affairs at Philadelphia, came immediately to Washington, and upon representing that the Bank was desirous of accommodating the importing merchants at New-York (which it failed to do) and undertaking to pay the interest itself, procured the consent of the Secretary, after consultation with the President, to postpone the payment until the succeeding first of October.

Conscious that at the end of that quarter the Bank would not be able to pay over the deposits, and that further indulgence was not to be expected of the Government, an agent was dispatched to England secretly to negotiate with the holders of the public debt in Europe, and induce them by the offer of an equal or higher interest than that paid by the Government, to hold back their claims for one year; during which the Bank expected thus to retain the use of \$5,000,000, of public money which the Government should set apart for the payment of that debt. The agent made an arrangement on terms, in part, which were in direct violation of the charter of the Bank, and when some incidents connected with this secret negotiation accidentally came to the knowledge of the public and the Government, then and not before, so much of it as was palpably in violation of the charter, was disavowed! A modification of the rest was attempted with the view of getting the certificates without payment of the money, and thus absolving the Government from its liability to the holders. In this scheme the Bank was partially successful, but to this day the certificates of a portion

of these stocks have not been paid, and the Bank retains the use of the money.

This effort to thwart the Government in the payment of the public debt, that it might retain the public money to be used for their private interests, palliated by pretences notoriously unfounded and insincere, would have justified the instant withdrawal of the public deposits. The negotiation itself rendered doubtful the ability of the Bank to meet the demands of the Treasury, and the misrepresentations by which it was attempted to be justified, proved that no reliance could be placed upon its allegations.

If the question of a removal of the deposits presented itself to the Executive in the same attitude that it appeared before the House of Representatives at their last session, their resolution in relation to the safety of the deposits would be entitled to more weight, although the decision of the question of removal has been confided by law to another department of the Government. But the question now occurs, attended by other circumstances and new disclosures of the most serious import. It is true that in the message of the President, which produced this inquiry and resolution on the part of the House of Representatives, it was his object to obtain the aid of that body in making a thorough examination into the conduct and condition of the Bank and its branches in order to enable the Executive Department to decide whether the public money was longer safe in its hands. The limited power of the Secretary of the Treasury over the subject, disabled him from making the investigation as fully and satisfactorily as it could be done by a committee of the House of Representatives, and hence the President desired the assistance of Congress to obtain for the Treasury Department a full knowledge of all the facts which were necessary to guide his judgment. But it was not his purpose, as the language of his message will shew, to ask the representatives of the people to assume a responsibility which did not belong to them, and relieve the Executive branch of the Government, from the duty which the law had imposed upon it. It is due to the President that his object in that proceeding should be distinctly understood, and that he should acquit himself of all suspicion of seeking to escape from the performance of his own duties, or of desiring to interpose another body between himself and the people in order to avoid a measure which he is called upon to meet. But although as an act of justice to himself, he disclaims any design of soliciting the opin-

ion of the House of Representatives in relation to his own duties, in order to shelter himself from responsibility under the sanction of their counsel, yet he is at all times ready to listen to the suggestions of the representatives of the people, whether given voluntarily or upon solicitation, and to consider them with the profound respect to which all will admit they are justly entitled. Whatever may be the consequences, however, to himself, he must finally form his own judgment, where the constitution and the law make it his duty to decide, and must act accordingly; and he is bound to suppose that such a course on his part will never be regarded by that elevated body as a mark of disrespect to itself; but that they will, on the contrary, esteem it the strongest evidence he can give of his fixed resolution conscientiously to discharge his duty to them and the country.

A new state of things has, however, arisen since the close of the late session of Congress, and evidence has since been laid before the President, which he is persuaded would have led the House of Representatives to a different conclusion, if it had come to their knowledge. The fact that the Bank controls, and in some cases substantially *owns*, and by its money *supports* some of the leading presses of the country, is now more clearly established. Editors to whom it loaned extravagant sums in 1831 and 1832, on unusual time and nominal security, have since turned out to be insolvent, and to others apparently in no better condition, accommodations still more extravagant, on terms more unusual and sometimes without any security, have also been heedlessly granted.

The allegation which has so often circulated through these channels that the Treasury was bankrupt and the Bank was sustaining it, when, for many years, there has not been less, on an average, than six millions of public money in that institution, might be passed over as a harmless misrepresentation; but when it is attempted, by substantial acts to impair the credit of the Government, and tarnish the honor of the country, such charges require more serious attention. With six millions of public money in its vaults, after having had the use of from five to twelve millions for nine years, without interest, it became the purchaser of a bill drawn by our Government on that of France for about \$900,000, being the first instalment of the French indemnity. The purchase money was left in the use of the Bank, being simply added to the Treasury deposits. The Bank sold the bill in England, and the holder

sent it to France for collection, and arrangements not having been made by the French Government for its payment, it was taken up by the agents of the Bank in Paris with the funds of the Bank in their hands. Under these circumstances it has, through its organs, openly assailed the credit of the Government; and has actually made, and persists in a demand of fifteen per cent. or \$158,842.77 as damages, when no damage, or none beyond some trifling expense, has in fact been sustained, and when the Bank had in its own possession on deposit, several millions of the public money which it was then using for its own profit. Is a fiscal agent to the Government, which thus seeks to enrich itself at the expense of the public, worthy of further trust?

There are other important facts not in the contemplation of the House of Representatives, or not known to the members at the time they voted for the resolution.

Although the charter and the rules of the Bank both declare that "not less than seven directors" shall be necessary to the transaction of business, yet the most important business, even that of granting discounts to any extent, is entrusted to a committee of five members who do not report to the board.

To cut off all means of communication with the government in relation to its most important acts, at the commencement of the present year, not one of the Government Directors was placed on any one committee. And although, since, by an unusual remodeling of those bodies some of those directors have been placed on some of the committees, they are yet entirely excluded from the committee of exchange, through which the greatest and most objectionable loans have been made.

When the Government Directors made an effort to bring back the business of the Bank to the Board, in obedience to the charter and the existing regulations, the Board not only overruled their attempt, but altered the rule so as to make it conform to the practice, in direct violation of one of the most important provisions of the charter which gave them existence.

It has long been known that the the President of the Bank, by his single will, originates and executes many of the most important measures connected with the management and credit of the Bank, and that the Committee, as well as the Board of Directors,

are left in entire ignorance of many acts done, and correspondence carried on, in their names and apparently under their authority. The fact has been recently disclosed, that an unlimited discretion has been, and is now, vested in the President of the Bank to expend its funds in payment for preparing and circulating articles and purchasing pamphlets and newspapers, calculated by their contents to operate on elections and secure a renewal of its charter. It appears from the official report of the Public Directors, that, on the 30th of November, 1830, the President submitted to the Board an article published in the American Quarterly Review, containing favorable notices of the Bank, and suggested the expediency of giving it a wider circulation at the expense of the Bank: whereupon the Board passed the following resolution, viz:

“Resolved, That the President be authorised to take such measures in regard to the circulation of the contents of the said article, either in whole or in part, as he may deem most for the interest of the Bank.”

By an entry in the minutes of the Bank, dated March 11th, 1831, it appears that the President had not only caused a large edition of that article to be issued, but had also, before the resolution of 30th November was adopted, procured to be printed and widely circulated, numerous copies of the reports of General Smith and Mr. McDuffie in favor of the Bank, and on that day he suggested the expediency of extending his power to the printing of other articles which might subserve the purposes of the institution. Whereupon, the following resolution was adopted, viz:

“Resolved, That the President is hereby authorised to cause to be prepared and circulated, such documents and papers as may communicate to the people information in regard to the nature and operations of the Bank.”

The expenditures purporting to have been made under authority of these resolutions, during the years 1831 and 1832, were about \$80,000. For a portion of these expenditures vouchers were rendered, from which it appears that they were incurred in the purchase of some hundred thousand copies of newspapers, reports and speeches made in Congress, reviews of the Veto Message, and reviews of speeches against the Bank, &c. &c. For another large portion, no vouchers whatever were rendered, but the various

sums were paid on orders of the President of the Bank, making reference to the resolution of the 11th March, 1831.

On ascertaining these facts, and perceiving that expenditures of a similar character were still continued, the Government Directors a few weeks ago offered a resolution in the Board, calling for a specific account of these expenditures, showing the objects to which they had been applied and the persons to whom the money had been paid. This reasonable proposition was voted down.

They also offered a resolution rescinding the resolutions of November, 1830, and March, 1831. This also was rejected.

Not content with thus refusing to recall the obnoxious power, or even to require such an account of the expenditure as would shew whether the money of the Bank had in fact been applied to the objects contemplated by those resolutions, as obnoxious as they were, the Board renewed the power already conferred, and even enjoined renewed attention to its exercise, by adopting the following in lieu of the propositions submitted by the Government Directors, viz:

“Resolved, That the Board have confidence in the wisdom and integrity of the President, and in the propriety of the resolutions of 30th November, 1830, and 11th March, 1831, and entertain a full conviction of the necessity of a renewed attention to the object of those resolutions, and that the President be authorised and requested to continue his exertions for the promotion of said object.”

Taken in connexion with the nature of the expenditures heretofore made, as recently disclosed, which the Board not only tolerate but approve, this resolution puts the funds of the Bank at the disposition of the President for the purpose of employing the whole press of the country in the service of the Bank, to hire writers and newspapers, and to pay out such sums as he pleases, to what persons and for what services he pleases, without the responsibility of rendering any specific account. The Bank is thus converted into a vast electioneering engine with means to embroil the country in deadly feuds, and, under cover of expenditures in themselves improper, extend its corruption through all the ramifications of society.

Some of the items for which accounts have been rendered show the construction which has been given to the resolutions and the way in which the power it confers has been exerted. The money has not been expended merely in the publication and distribution of speeches, reports of committees, or articles written for the purpose of showing the constitutionality or usefulness of the Bank. But publications have been prepared and extensively circulated, containing the grossest invectives against the officers of the government; and the money which belongs to the stockholders and to the public has been freely applied in efforts to degrade, in public estimation, those who were supposed to be instrumental in resisting the wishes of this grasping and dangerous institution. As the President of the Bank has not been required to settle his accounts; no one but himself yet knows how much more than the sum already mentioned may have been squandered—and for which a credit may hereafter be claimed in his account under this most extraordinary resolution. With these facts before us, can we be surprised at the torrent of abuse incessantly poured out against all who are supposed to stand in the way of the cupidity or ambition of the Bank of the United States? Can we be surprised at sudden and unexpected changes of opinion in favor of an institution which has millions to lavish, and avows its determination not to spare its means when they are necessary to accomplish its purposes? The refusal to render an account of the manner in which a part of the money expended has been applied, gives just cause for the suspicion that it has been used for purposes which it is not deemed prudent to expose to the eyes of an intelligent and virtuous people. Those who act justly do not shun the light, nor do they refuse explanations when the propriety of their conduct is brought into question.

With these facts before him, in an official report from the Government Directors, the President would feel that he was not only responsible for all the abuses and corruptions the Bank has committed, or may commit, but almost an accomplice in a conspiracy against that government which he has sworn honestly to administer, if he did not take every step within his constitutional and legal power likely to be efficient in putting an end to these enormities. If it be possible within the scope of human affairs, to find a reason for removing the government deposits and leaving the Bank to its own resource for the means of effecting its criminal designs, we have it here. Was it expected when the moneys of the United

States were directed to be placed in that Bank, that they would be put under the control of one man, empowered to spend millions without rendering a voucher or specifying the object? Can they be considered safe, with the evidence before us, that tens of thousands have been spent for highly improper, if not corrupt purposes, and that the same motive may lead to the expenditure of hundreds of thousands, and even millions more? And can we justify ourselves to the people by longer lending to it the money and power of the government, to be employed for such purposes?

It has been alleged by some as an objection to the removal of the deposits, that the Bank has the power, and in that event will have the disposition, to destroy the State Banks employed by the Government, and bring distress upon the country. It has been the fortune of the President to encounter dangers which were represented as equally alarming, and he has seen them vanish before resolution and energy. Pictures equally appalling were paraded before him when this Bank came to demand a new charter. But what was the result? Has the country been ruined or even distressed? Was it ever more prosperous than since that act? The President verily believes the Bank has not the power to produce the calamities its friends threaten. The funds of the Government will not be annihilated by being transferred. They will immediately be issued for the benefit of trade, and if the Bank of the United States curtails its loans, the State Banks, strengthened by the public deposits, will extend theirs. What comes in through one Bank, will go out through others, and the equilibrium will be preserved. Should the Bank, for the mere purpose of producing distress, press its debtors more heavily than some of them can bear, the consequences will recoil upon itself, and in the attempts to embarrass the country, it will only bring loss and ruin upon the holders of its own stock. But if the President believed the Bank possessed all the power which has been attributed to it, his determination would only be rendered the more inflexible. If, indeed, this corporation now holds in its hands the happiness and prosperity of the American people, it is high time to take the alarm. If the despotism be already upon us, and our only safety is in the mercy of the despot, recent developments in relation to his designs and the means he employs, show how necessary it is to shake it off. The struggle can never come with less distress to the people, or under more favorable auspices than at the present moment.

All doubt as to the willingness of the state banks to undertake the service of the government, to the same extent, and on the same terms, as it is now performed by the Bank of the United States, is put to rest by the report of the agent recently employed to collect information; and from that willingness, their own safety in the operation may be confidently inferred. Knowing their own resources better than they can be known by others, it is not to be supposed that they would be willing to place themselves in a situation which they cannot occupy without danger of annihilation or embarrassment. The only consideration applies to the safety of the public funds, if deposited in those institutions. And when it is seen that the directors of many of them are not only willing to pledge the character and capital of the corporations in giving success to this measure, but also their own property and reputation, we cannot doubt that they, at least, believe the public deposits would be safe in their management.

The President thinks that these facts and circumstances afford as strong a guarantee as can be had in human affairs for the safety of the public funds, and the practicability of a new system of collection and disbursement through the agency of the State Banks.

From all these considerations, the President thinks that the State Banks ought immediately to be employed in the collection and disbursement of the public revenue, and the funds now in the Bank of the United States drawn out with all convenient despatch. The safety of the public moneys, if deposited in the State Banks, must be secured beyond all reasonable doubts: but the extent and nature of the security, in addition to their capital, if any be deemed necessary, is a subject of detail to which the Treasury Department will undoubtedly give its anxious attention. The Banks to be employed must remit the moneys of the Government without charge, as the Bank of the United States now does; must render all the services which that Bank now performs; must keep the Government advised of their situation by periodical returns; in fine, in any arrangement with the State Banks, the Government must not, in any respect, be placed on a worse footing than it now is. The President is happy to perceive by the report of the agent, that the Banks which he has consulted have, in general, consented to perform the service on these terms, and that those in New-York have further agreed to make payments in London without other charge than the mere cost of the bills of exchange.

It should also be enjoined upon any Banks which may be employed, that it will be expected of them to facilitate domestic exchanges for the benefit of internal commerce; to grant all reasonable facilities to the payers of the revenue; to exercise the utmost liberality towards the other State Banks; and do nothing uselessly to embarrass the Bank of the United States.

As one of the most serious objections to the Bank of the United States is the power which it concentrates, care must be taken in finding other agents for the service of the Treasury not to raise up another power equally formidable. Although it would probably be impossible to produce such a result by any organization of the State Banks which could be devised, yet it is desirable to avoid even the appearance. To this end it would be expedient to assume no more power over them, and to interfere no more in their affairs, than might be absolutely necessary to the security of the public deposit, and the faithful performance of their duties as agents of the Treasury. Any interference by them in the political contests of the country, with a view to influence elections, ought, in the opinion of the President, to be followed by an immediate discharge from the public service.

It is the desire of the President that the control of the Banks and the currency shall as far as possible be entirely separated from the political power of the country, as well as wrested from an institution which has already attempted to subject the government to its will. In his opinion the action of the General Government on this subject ought not to extend beyond the grant of the Constitution, which only authorizes Congress "to coin money and regulate the value thereof;" all else belongs to the States and the people, and must be regulated by public opinion and the interests of trade.

In conclusion, the President must be permitted to remark that he looks upon the pending question as of higher consideration than the mere transfer of a sum of money from one Bank to another. Its decision may affect the character of our government for ages to come. Should the Bank be suffered longer to use the public moneys, in the accomplishment of its purposes, with the proofs of its faithlessness and corruption before our eyes, the patriotic among our citizens will despair of success in struggling against its power; and we shall be responsible for entailing it upon our country forever. Viewing it as a question of transcendent importance, both in the

principles and consequences it involves, the President could not, in justice to the responsibility which he owes to the country, refrain from pressing upon the Secretary of the Treasury his view of the considerations which impel to immediate action. Upon him has been devolved by the constitution and the suffrages of the American people, the duty of superintending the operation of the executive departments of the government, and seeing that the laws are faithfully executed. In the performance of this high trust, it is his undoubted right to express to those whom the laws and his own choice have made his associates in the administration of the government, his opinion of their duties under circumstances as they arise. It is this right which he now exercises. Far be it from him to expect or require that any member of the cabinet should, at his request, order, or dictation, do any act which he believes unlawful, or in his conscience condemns. From them, and from his fellow citizens in general, he desires only that aid and support which their reason approves and their conscience sanctions.

In the remarks he has made on this all important question, he trusts the Secretary of the Treasury will see only the frank and respectful declaration of the opinions which the President has formed on a measure of great national interest, deeply affecting the character and usefulness of his administration; and not a spirit of dictation which the President would be as careful to avoid, as ready to resist. Happy will he be, if the facts now disclosed produce uniformity of opinion and unity of action among the members of the administration.

The President again repeats that he begs his cabinet to consider the proposed measure as his own, in the support of which he shall require no one to make a sacrifice of opinion or principle. Its responsibility has been assumed, after the most mature deliberation and reflection, as necessary to preserve the morals of the people, the freedom of the press, and the purity of the elective franchise, without which all will unite in saying that the blood and treasure expended by our forefathers in the establishment of our happy system of government will have been vain and fruitless. Under these convictions, he feels that a measure so important to the American people, cannot be commenced too soon; and he therefore names the first day of October next, as a period proper for the change of the deposits, or sooner, provided the necessary arrangements with the State Banks can be made.

ANDREW JACKSON.

REPORT

Of the Secretary of the Treasury, on the Removal of the Public Deposites from the Bank of the United States. (Made to both Houses of Congress, Dec. 4th, 1833.)

**TREASURY DEPARTMENT, }
Dec. 3d, 1833. }**

SIR,

In pursuance of the power, reserved to the Secretary of the Treasury, by the Act of Congress, entitled "An act to incorporate the subscribers to the Bank of the United States," I have directed that the deposits of the money of the United States shall not be made in the said Bank, or Branches thereof, but in certain State Banks, which have been designated for that purpose. And I now proceed to lay before Congress, the reasons which induced me to give this order and direction.

The sixteenth section of the law above mentioned, is in the following words: "And be it further enacted, that the deposits of the money of the United States, in places in which the said Bank and Branches thereof may be established, shall be made in said Bank or Branches thereof, unless the Secretary of the Treasury shall at any time otherwise order and direct; in which case, the Secretary of the Treasury shall immediately lay before Congress, if in session, and if not, immediately after the commencement of the next session, the reasons of such order or direction."

It has been settled by repeated adjudications, that a charter, granted by a State to a corporation like that of the Bank of the United States, is a contract between the sovereignty which grants it, and the stockholders. The same principle must apply to a charter granted by the United States, and consequently the act incorporating the bank is to be regarded as a contract between the United States of the one part, and the stockholders of the other;

and by the plain terms of this contract, as contained in the section above quoted, the stockholders have agreed that the power reserved to the Secretary over the deposits shall not be restricted to any particular contingencies, but be absolute and unconditional, as far as their interests are involved, in the removal. The order, therefore, of the Secretary of the Treasury, directing the public money to be deposited elsewhere, can in no event be regarded as a violation of the contract with the stockholders, nor impair any right secured to them by the charter. The Treasury Department being entrusted with the administration of the finances of the country, it was always the duty of the Secretary, in the absence of any legislative provision on the subject, to take care that the public money was deposited in safe keeping, in the hands of faithful agents, and in convenient places, ready to be applied according to the wants of the Government. The law incorporating the bank has reserved to him, in its full extent, the power he before possessed. It does not confer on him a new power, but reserves to him his former authority, without any new limitation. The obligation to assign the reasons for his direction to deposite the money of the United States elsewhere, can not be considered as a restriction of the power, because the right of the Secretary to designate the place of deposite was always necessarily subject to the control of Congress. And as the Secretary of the Treasury presides over one of the Executive Departments of the Government, and his power over this subject forms a part of the executive duties of his office, the manner in which it is exercised must be subject to the supervision of the officer to whom the Constitution has confided the whole executive power, and has required to take care that the laws be faithfully executed.

The faith of the United States is, however, pledged, according to the terms of the section above stated, that the public money shall be deposited in this Bank, unless "the Secretary of the Treasury shall otherwise order and direct." And as this agreement has been entered into by Congress, in behalf of the United States, the place of deposite could not be changed by a legislative act, without disregarding a pledge which the Legislature has given; and the money of the United States must therefore continue to be deposited in the Bank, until the last hour of its existence, unless it shall be otherwise ordered by the authority mentioned in the charter. The power over the place of deposite for the public money would seem properly to belong to the Legislative Department of the Govern-

ment; and it is difficult to imagine why the authority to withdraw it from this Bank was confided exclusively to the Executive. But the terms of the charter appear to be too plain to admit of question; and although Congress should be satisfied that the public money was not safe in the care of the Bank, or should be convinced that the interests of the people of the United States imperiously demanded the removal, yet the passage of a law directing it to be done, would be a breach of the agreement into which they have entered.

Assuming this to be the true construction of the charter to the Bank, it must be the duty of the Secretary of the Treasury to withdraw the deposits of the public money from that institution, whenever the change would in any degree promote the public interest. It is not necessary that the deposits should be unsafe, in order to justify the removal. The authority to remove is not limited to such a contingency. The Bank may be perfectly solvent, and prepared to meet promptly all demands upon it. It may have been faithful in the performance of its duties, and yet the public interest may require the deposits to be withdrawn. And as that can not be done without the action of this Department, the Secretary of the Treasury would betray the trust confided to him, if he did not cause the deposits to be made elsewhere, whenever the change would advance the public interests or public convenience. The safety of the deposits—the ability of the Bank to meet its engagements—its fidelity in the performance of its obligations—are only a part of the considerations by which his judgment must be guided. The general interest and convenience of the people must regulate his conduct.

This principle was distinctly asserted by Mr. Crawford when he was the Secretary of the Treasury, soon after the Bank obtained its charter. In a postscript to his letter to the President of the Mechanics' Bank of New-York, dated February 13th, 1817, he says: "The Secretary of the Treasury will always be disposed to support the credit of the State Banks, and will invariably direct transfers from the deposits of the public money in aid of their legitimate exertions to maintain their credit. But as the proposition of the Bank of the United States excludes the idea of pressure on its part, no measure of that nature appears to be necessary at this time." Other passages in the correspondence of Mr. Crawford with the Banks, about the period above mentioned might be refer-

red to, equally indicating the same opinion; and that day no doubt seems to have been entertained of the power or of the duty of the Secretary in relation to this subject. It does not appear to have been then even suggested, that the right of removal depended on the solvency of the Bank, or the safety of the public money committed to its custody. On the contrary, in the passage above quoted, the superior safety of the State Banks is by no means regarded as necessary to give him the right to make the transfer to them. For he declares that he will give the deposits to the State Banks, on account of their weakness, and to protect them from the Bank of the United States, if by means of its superior strength, it sought to oppress them. Nor can any distinction be taken between the transfer of a part, and the transfer of the whole sum, remaining on deposit. The language of the charter recognizes no such distinction, and the principle asserted by Mr. Crawford, would have led him to the removal of the whole amount of the public money to the State Banks, if a pressure on the part of the Bank of the United States had rendered such a measure necessary, in order to support the State Banks in their legitimate exertions to maintain their credit.

The language of the law, therefore, and the usage and practice of the Government under it, establish the following principles:

1st. That the power of removal was intended to be reserved exclusively to the Secretary of the Treasury, and that according to the stipulations in the charter, Congress could not direct it to be done.

2d. That the powers reserved to the Secretary of the Treasury, does not depend for its exercise merely on the safety of the public money in the hands of the Bank, nor upon the fidelity with which it has conducted itself; but he has the right to remove the deposits, and it is his duty to remove them, whenever the public interest or convenience will be promoted by the change.

Taking these two principles as unquestionable, I proceed to state the reasons which induced me to believe that it was necessary for the interest and convenience of the people that the Bank of the United States should cease to be the depository of the public money.

The charter of the Bank will expire, according to the existing law on the subject, on the 3d of March, 1836; and for two years after the termination of the charter, it is authorised to use the cor-

porate name for the final settlement and liquidation of the affairs and accounts of the corporation, and for the sale and disposition of their estate—but not for any other purpose. It is the duty of the Executive Departments of the Government to exercise the powers conferred on them, and to regulate the discretion confided to them, according to the existing laws, and they can not be allowed to speculate on the chances of future changes by the Legislative authority. Perhaps there may be cases, in which the discretion vested in an Executive Department might with propriety be in some degree influenced by the expectation of future legislation. But they must be cases in which the principles of justice, or the public interest manifestly call for an alteration of the law, or where some expression of the public opinion has strongly indicated that a change will probably be made. But where nothing of this kind exists, an Executive officer of the Government is not authorised to regulate a discretion, which the law has entrusted to him, upon the assumption that the law will be changed.

In deciding upon the course which it was my duty to pursue in relation to the deposits, I did not feel myself justified in anticipating the renewal of the charter on either of the above mentioned grounds. It is very evident that the Bank has no claim to renewal, founded on the justice of Congress. For, independently of the many serious and insurmountable objections which its own conduct has furnished, it cannot be supposed that the grant to this corporation of exclusive privileges, at the expense of the rest of the community, for twenty years, can give it a right to demand the still further enjoyment of its profitable monopoly. Neither could I act upon the assumption that the public interest required the recharter of the Bank; because I am firmly persuaded that the law which created this corporation, in many of its provisions, is not warranted by the Constitution, and that the existence of such a powerful monied monopoly is dangerous to the liberties of the people and to the purity of our political institutions.

The manifestations of public opinion, instead of being favorable to a renewal, have been decidedly to the contrary. And I have always regarded the result of the last election of the President of the United States, as the declaration of a majority of the people that the charter ought not to be renewed. It is not necessary to state here, what is now a matter of history. The question of the renewal of the charter was introduced into the election by the cor-

poration itself. Its voluntary application to Congress for the renewal of its charter four years before it expired, and upon the eve of the election of President, was understood on all sides, as bringing forward that question for incidental decision, at the then approaching election. It was accordingly argued on both sides, before the tribunal of the people, and their verdict pronounced against the Bank, by the election of the candidate who was known to have been always inflexibly opposed to it.

Under these circumstances I could not have been justified, upon either of the grounds above mentioned, in anticipating any change in the existing laws in relation to the Bank, and as the act of Congress which created the corporation limits its duration to the third of March, 1836, it became my duty, as Secretary of the Treasury, in executing the trust confided to me, under the law, to look to that period of time as the termination of its corporate existence. I had no sufficient grounds for presuming that the law would be altered in this respect, by future legislation, and a new charter be granted to the Bank. It was therefore incumbent upon me, in discharging my official duties, to act upon the assumption, that this corporation would not continue in being after the time above specified. And in this state of things, without any reference to the manner in which the Bank had conducted itself, it became necessary to decide whether the deposits ought to remain in the Bank until the end of its corporate life, or be removed at some earlier period. In forming my opinion on this subject, I could only inquire which of these measures would most conduce to the public good.

It is obvious, that the interests of the country would not be promoted, by permitting the deposits of the public money to continue in the Bank until its charter expired. Judging from the past, it is highly probable that they will always amount to several millions of dollars. It would evidently produce serious inconvenience, if such a large sum were left in possession of the Bank until the last moment of its existence, and then be suddenly withdrawn, when its immense circulation is returning upon it, to be redeemed, and its private depositors removing their funds into other institutions. The ability of the Bank, under such circumstances, to be prompt in its payments to the Government, may be well doubted, even if the ultimate safety of the deposits could be relied upon. Besides the principal circulating medium now in the hands of the people, and

the one most commonly used in the exchanges between distant places, consists of the notes of the Bank of the United States and its numerous branches. The sudden withdrawal of its present amount of circulation, or its sudden depreciation, before any other sound and convenient currency was substituted for it, would certainly produce extensive evils, and be sensibly felt among all classes of society.

It is well understood that the superior credit heretofore enjoyed by the notes of the Bank of the United States, was not founded on any particular confidence in its management or solidity. It was occasioned altogether by the agreement on behalf of the public in the act of incorporation, to receive them in all payments to the United States; and it was this pledge on the part of the Government which gave general currency to the notes payable at remote branches. The same engagement, in favor of any other monied institution, would give its notes equal credit, and make them equally convenient for the purposes of commerce. But this obligation on the part of the United States will cease on the 3d of March, 1836, when the charter expires; and as soon as this happens, all the outstanding notes of the Bank will lose the peculiar value they now possess, and the notes payable at distant places become as much depreciated as the notes of local banks. And if, in the mean time, no other currency is substituted in its place, by common consent, it is easy to foresee the extent of the embarrassment which would be caused by the sudden derangement of the circulating medium. It would be too late at that time, to provide a substitute, which would ward off the evil. The notes of the Bank of the United States in circulation on the 2d of September last, which was the date of the latest return before me when the order for removal was given, amounted to \$18,413,287.07, scattered in every part of the United States. And if a safe and sound currency were immediately provided, on the termination of the charter, to take the places of these notes, it would still require time, to bring it into general use, and, in the interim, the people would be subjected to all the inconveniences and losses which necessarily arise from an unsound state of the currency. The evil would be so great and the distress so general, that it might even compel Congress, against its wishes, to recharter the Bank: and perhaps more effectual means could hardly be devised, for insuring the renewal of the charter. It is evident that a state of things so much to be deprecated can only be avoided by timely preparation, and the con-

tinuance of the deposits can only be justified by the determination to renew the charter. The State banks can, I have no doubt, furnish a general circulating medium, quite as uniform in value, as that which has been afforded by the Bank of the United States. Probably more so. For it is well known, that in some of the cities, the branches of the Bank have been in the habit, whenever they thought proper, of refusing to honor the notes of their own bank, payable at other branches, when they were not offered in discharge of a debt due to the United States. But a currency founded on the notes of State banks could not be suddenly substituted for that heretofore furnished by the Bank of the United States, and take the place of it at the same moment, in every part of the Union. It is essential that the change should be gradual; and sufficient time should be allowed to suffer it to make its way by the ordinary operations of commerce, without requiring a hasty and violent effort.

In this view of the subject, it would be highly injudicious to suffer the deposits to remain in the Bank of the United States until the close of its corporate existence. And as they can not be withdrawn without the action of the Secretary of the Treasury, it must unavoidably become his duty, at some period of time, to exercise the power of removal. Laying aside, therefore, for the present, all the considerations which the misconduct of the Bank has furnished, the question presented to this Department was, how long could the removal be delayed consistently with the public interests? It is a question of *time* only. The duty must be performed at some period, and could not be altogether omitted, without justly incurring a heavy responsibility to the community, for all the consequences that might follow. And it is, I think, apparent that the measure was delayed as long as was compatible with the interests of the people of the United States.

The monthly statement of the Bank of the 2d of September last, before referred to, shows that the notes of the Bank and its branches then in circulation amounted to \$18,413,287.07, and that its discounts amounted to the sum of \$62,652,359.59. The immense circulation above stated, pervading every part of the United States, and most commonly used in the business of commerce, between distant places, must all be withdrawn from circulation when the charter expires. If any of the notes then remain in the hands of individuals remote from the branches at which they are paya-

ble, their immediate depreciation will subject the holders to certain loss. Those payable in the principal commercial cities, would perhaps retain nearly their nominal value; but this would not be the case with the notes of the interior branches, remote from the great marts of trade; and the statements of the Bank will show that a great part of its circulation is composed of notes of this description. The Bank would seem to have taken pains to introduce into common use such a description of paper, as it could depreciate or raise to its par value, as best suited its own views; and it is of the first importance to the interests of the public, that these notes should all be taken out of circulation before they depreciate in the hands of the individuals who hold them; and they ought to be withdrawn gradually, and their places supplied, as they retire, by the currency which will become the substitute for them. How long will it require for the ordinary operations of commerce and the reduction of discounts by the Bank, to withdraw the amount of circulation before mentioned, without giving a shock to the currency, or producing a distressing pressure upon the community? I am convinced that the time which remained for the charter to run after the 1st of October, (the day on which the first order for removal took effect,) was not more than was proper to accomplish the object, with safety to the community. And if it had depended upon my judgment, at an earlier period, I should have preferred, and should have taken, a longer time. Enough, however, is yet left, provided no measures are adopted by the Bank, for the purpose of inflicting unnecessary suffering upon the country. Apart, therefore, from any considerations arising out of the conduct of the Bank, and looking merely to the near approach of the day when it would cease to exist, the withdrawal of the deposits appeared to be required by the public interest, at the time when the first order for removal was given by this Department.

This opinion is confirmed by the ground taken in favor of the renewal of the charter at December session, 1831. It was then urged that the short period which yet remained of its corporate existence, and the necessity of preparing to wind up its concerns, if the charter was not to be renewed, made it proper that the question should at once be decided. Very little more than half of that time yet remains. And although I do not concur in the opinions then expressed, and believe that the application was ill-timed, and premature, yet the arguments then relied on by many whose

ment is entitled to respect, afford strong grounds for concluding that the measure now adopted is not objectionable on the score of time, and that if the deposits were not to continue in the Bank until the termination of its charter, their withdrawal could not with propriety be longer delayed.

There is, however, another view of this subject, which in my opinion made it impossible further to postpone the removal. About the first of December, 1832, it had been ascertained that the present Chief Magistrate was re-elected, and that his decision against the Bank had thus been sanctioned by the people. At that time the discounts of the Bank amounted to \$61,571,625.66. Although the issue, which the Bank took so much pains to frame, had now been tried, and the decision pronounced against it, yet no steps were taken to prepare for its approaching end. On the contrary it proceeded to enlarge its discounts; and on the 2d of August, 1833, they amounted to \$64,160,349.14, being an increase of more than two and a half millions in the eight months immediately following the decision against them. And so far from preparing to arrange its affairs, with a view to wind up its business, it seemed from this course of conduct, to be the design of the Bank to put itself in such an attitude, that at the close of its charter, the country would be compelled to submit to its renewal, or to bear all the consequences of a currency suddenly deranged, and also a severe pressure for the immense outstanding claims which would then be due to the corporation. While the Bank was thus proceeding to enlarge its discounts, an agent was appointed by the Secretary of the Treasury to inquire upon what terms the State Banks would undertake to perform the services to the government which have heretofore been rendered by the Bank of the United States; and also to ascertain their condition in four of the principal commercial cities, for the purpose of enabling the department to judge whether they would be safe and convenient depositories for the public money. It was deemed necessary that suitable fiscal agents should be prepared in due season; and it was proper that time should be allowed them to make arrangements with one another throughout the country, in order that they might perform their duties in concert and in a manner that would be convenient and acceptable to the public. It was essential that a change so important in its character, and so extensive in its operation upon the financial concerns of the country, should not be introduced without timely preparation. There was nothing in this proceeding, nor in the condition

of the Bank, which should at that time have produced a sudden and entire change of its policy. For, in addition to the ordinary receipts from bonds given on account of previous importation, the season was at hand when the cash duties on woollens might well be expected to be very productive; and from these two sources the receipts from the customs were in fact unusually large, and the amount of the public deposits in the Bank proportionably heavy. The capacity of the Bank, therefore, at this time, to afford facilities to commerce, was not only equal, but greatly superior to what it had been for some time before; and the nature of the inquiry made of the State Banks, confined as it was to the four principal commercial cities, showed that the immediate withdrawal of the entire deposits from the Bank, so as to distress it, was not contemplated. And if any apprehensions to the contrary were felt by the Bank, an inquiry at this Department would no doubt have been promptly and satisfactorily answered. And certainly it was the duty of the Bank, before it adopted a course oppressive to the whole country, to be sure of the ground on which it acted. It can never be justified for inflicting a public injury, by alleging mistaken opinions of its own, when the means of obtaining information absolutely certain, were so obviously within its reach. The change was always designed to be gradual; and the conduct of the Bank itself has since compelled me to remove a portion of the deposits earlier than was originally intended. There was nothing, therefore, in the inquiry before mentioned, nor in the views of the Executive Department, nor in the condition of the Bank, which justified a sudden and oppressive change in its policy.

The situation of the mercantile classes, also rendered the usual aids of the Bank more than ever necessary to sustain them in their business. Their bonds for previous importations were, as before stated, constantly becoming due, and heavy cash duties were almost daily to be paid. The demands of the public upon those engaged in commerce, were consequently unusually large, and they had a just claim to the most liberal indulgence from the fiscal agent of the government, which had for so many years been reaping harvests of profits from the deposits of the public money. But the Bank about this time changed its course.

By the monthly statement of the Bank, dated 2d August, 1833, it appears that its loans and domestic bills of exchange, purchased and on hand, amounted to \$64,160,349 14

Amount carried forward, \$64,160,349 14

Amount brought forward,	\$64,166,340 14
By the monthly statement of the 2d Sept. 1833, they appear to have been.....	62,653,359 59
By that of the 2d of October, 1833, they were ..	60,094,202 93
Reduction in two months,	4,066,146 21
By the same papers it appears that the public de- posits, including those for the redemption of the public debt, the Treasurer's and those of the public officers were,	
In August,.....	\$7,599,931 47
In September,	9,182,173 18
In October,	9,868,435 59
Increase of the public deposits in two months,..	\$2,266,504 18
Total amount collected from the community,.....	<u>\$6,334,650 32</u>

Thus upwards of six millions of dollars were withdrawn from the business of the country by the Bank of the United States, in the course of two months. This of itself must have produced a pressure on the money market, affecting all commercial transactions. But the curtailment in the Bank accommodations of the community was much larger. The policy adopted by the Bank of the United States compelled the State Banks to take the same course in self-defence, and the Bank of the United States appears to have resorted to the expedient of drawing from the State Banks the balances due, in specie, and to have hoarded up the article in its own vaults.

In August, 1833, that Bank had in specie,.....	\$10,023,677 38
In September,	10,207,649 20
In October,	10,663,441 51
Showing an increase of specie in two months, ..	<u>\$639,764 13</u>

This sum it is believed was chiefly drawn from the State Banks. To fortify themselves, those Banks were compelled to call on their debtors and curtail their accommodations; and so large a proportion of these calls are always paid in their own notes, that to obtain \$100,000 in specie, they are probably obliged to call for four or five times that amount. To replace the specie taken from them by the Bank of the United States, and to provide for their own

safety, the State Banks, therefore, must have curtailed from two to three millions of dollars. On the whole, it is a fair estimate, that the collections from the community, during those two months, without any corresponding return, did not fall much short of nine millions of dollars. As might have been expected, complaints of a pressure upon the money market were heard from every quarter. The balances due from the State Banks had, during the same time increased from \$368,969.98 to \$2,288,573.19, and from the uncertain policy of the Bank, it was apprehended they might suddenly be called for in specie. The State Banks, so far from being able to relieve the community, found themselves under the necessity of providing for their own safety.

A very large proportion of the collections of the Bank in August and September, were in Philadelphia, New-York and Boston.

In August and September the curtailment in Philadelphia, was.....	\$195,548 69
Increase of public deposits,.....	646,846 80
Actual collections by the Bank,	<u>\$842,395 49</u>
Increase of public deposits in New-York,.....	\$1,396,597 24
Deduct increase of loans,....	<u>331,295 36</u>
Actual collections by the Bank,	1,065,301 88
Curtailment in Boston was.....	\$717,264 45
Increase of public deposits,	<u>48,069 88</u>
Actual collections by the Bank,	<u>765,334 33</u>
Total collections in the three cities,	<u><u>\$2,673,031 68</u></u>

It will be perceived, that it was solely through the increase of the public deposits, that the Bank raised balances against the State Banks in New-York, and was placed in a situation to take from them, at its pleasure, large sums in specie. And when it is considered, that those curtailments and collections of the Bank of the United States necessarily compelled the State Banks to curtail also, we shall be at no loss to perceive the cause of the pressure which existed in the commercial cities about the end of the month of September. It was impossible that the commercial community could have sustained itself much longer under such a policy. In

the two succeeding months, the collections of the Bank would probably have exceeded five millions more, and the State Banks would have been obliged to curtail in an equal sum. The reduction of Bank accommodations, to the amount of nineteen millions of dollars, in four months, must have almost put an end to trade; and before the first of October, this pressure in the principal commercial cities had become so intense, that it could not have been endured much longer without the most serious embarrassments. It was then daily increasing, and from the best information that I have been able to obtain, I am persuaded, that if the public moneys received for revenue had continued to be deposited in the Bank of the United States for two months longer, and it had adhered to the oppressive system of policy which it pursued during the two preceding months, a wide spread scene of bankruptcy and ruin must have followed. There was no alternative, therefore, for the Treasury Department, but to act at once, or abandon the object altogether. Duties of the highest character, would not permit the latter course, and I did not hesitate promptly to resort to the former.

I have stated the condition of the mercantile classes at the time of the removal, to explain why it was impossible to postpone it even for a short period. Under other circumstance, I should have been disposed to direct the removal to take effect at a distant day, so as to give Congress an opportunity of prescribing, in the mean time, the places of deposit, and of regulating the securities proper to be taken. It is true, that the power given to the Secretary of the Treasury to remove the deposits from the Bank of the United States, necessarily carries with it the right to select the places where they shall afterwards be made. The power of removal cannot be exercised, without placing them elsewhere; and the right to select is therefore contained in the right to remove. It is also true, that in my judgment, as has been already stated, the public interest would have been advanced if the change had taken place at an earlier period. Yet as a few months would in ordinary times have made no very serious difference, and the removal had already been delayed until the meeting of Congress was approaching, I should have preferred executing the measure in a manner that would have enabled the Legislature to act on the subject, in advance of the actual removal, if it had deemed it proper to do so. But the conduct of the Bank left me no choice, except between the immediate removal and its final relinquishment. For if the measure had then been suspended, to be resumed at a future time, it was in the power

of the Bank to produce the same evil whenever it was again attempted. Putting aside, therefore, from the view of the subject which I am now presenting, all the inducements which grew out of the misconduct of the Bank, and regarding only its approaching end and the intensity of the pressure it was then producing, no further delay was admissible.

The facts and reasons above stated, appear to have established the following propositions:

1st. It was the duty of this Department, not to act upon the assumption that the legislative power would hereafter change the law in relation to the Bank of the United States; and it was bound to regulate its conduct upon the principle that the existence of this corporation would terminate on the 3d of March, 1836.

2d. The public interest required that the deposits of public money should not continue to be made in the Bank of the United States, until the close of its existence; but should be transferred to some other place, at some period prior to that time.

3d. The power of removal being reserved exclusively to the Secretary of the Treasury, by the terms of the charter, his action was necessary in order to effect it; and the deposits could not, according to the agreement made by Congress with the stockholders, have been removed by the legislative branch of the Government, until the charter to the Bank was at an end.

4th. The near approach of the time when the charter would expire, as well as the condition of the mercantile community, produced by the conduct of the Bank, rendered the removal indispensable, at the time it was begun; and it could not have been postponed to a later day, without injury to the country.

Acting on these principles, I should have felt myself bound to follow the course I have pursued in relation to the deposits, without any reference to the misconduct of the Bank. But there are other reasons for the removal, growing out of the manner in which the affairs of the Bank have been managed, and its money applied, which would have made it my duty to withdraw the deposits at any period of the charter.

It will, I presume, be admitted on all hands, that the Bank was incorporated in order to create an useful and convenient public
[Senate No. 7.]

agent, to assist the Government in its fiscal operations. The act of incorporation was not designed merely as an act of favor to the stockholders, nor were exclusive privileges given to them for the purpose of enabling them to attain political power, or to amass wealth at the expense of the people of the United States. The motive for establishing this vast monopoly, was the hope that it would conduce to the public good. It was created to be the agent of the public, to be employed for the benefit of the people; and the peculiar privileges and means of private emolument given to it by the act of incorporation, were intended as rewards for the services it was expected to perform. It was never supposed that its own separate interests would be voluntarily brought into collision with those of the public; and still less was it anticipated that it would seek by its money to obtain political power, and control the action of the Government, either by the favors it can shower, or the fear of its resentment. Its duty was simply that of an agent, bound to render certain services to its principal, in consideration of the advantages granted to it; and like every other public agent or officer, its own separate interests were subordinate to its duty to the public. It was bound to consult the general good, rather than its private emolument, if they should happen to come into conflict one with another. If, therefore, it sought to obtain political power, or to increase its gains, by means which would probably bring distress on the community, it violated its duty, and perverted to the public injury the powers which were given to be used for the public good. And in such an event, it was the duty of the public servants to whom the trust was reserved, to dismiss it, so far as might lawfully be done, from the agency it had thus abused.

Regarding the Bank, therefore, as the agent of the United States, and bound by the duties and liable to the obligations which ordinarily belong to the relation of principal and agent, except where the charter has otherwise directed, I proceed to state the circumstances which show that it had justly forfeited the confidence of the Government, and that it ought not to have been further trusted as the depository of public money.

The United States, by the charter, reserved the right of appointing five directors of the Bank. It was intended by this means not only to provide guardians for the interests of the public, in the general administration of its affairs, but also to have faithful officers, whose situation would enable them to become intimately acquaint-

ed with all the transactions of the institution, and whose duty it would be to apprise the proper authorities of any misconduct on the part of the corporation, likely to affect the public interest. The fourth fundamental article of the Constitution of the corporation declares, that not less than seven directors shall constitute a board for the transaction of business. At these meetings of the board, the directors on the part of the United States had of course a right to be present, and consequently, if the business of the corporation had been transacted in the manner which the law requires, there was abundant security that nothing could be done injuriously affecting the interests of the people, without being immediately communicated to the public servants, who were authorised to apply the remedy. And if the corporation has so arranged its concerns, as to conceal from the public directors some of its most important operations, and has thereby destroyed the safeguards which were designed to secure the interests of the United States, it would seem to be very clear that it has forfeited its claim to confidence, and is no longer worthy of trust. In the ordinary concerns of life, among individuals, no prudent man would continue to place his funds in the hands of an agent, after he discovered that he was studiously concealing from him the manner in which they were employed.—The public money ought not be guarded with less vigilance than that of an individual. And measures of concealment, on the part of this corporation, are not only contrary to the duties of its agency, but are also in direct violation of the law, to which it owes its corporate existence. And the same misconduct which, in the case of private individuals, would induce a prudent man to dismiss an agent from his employment, would require a similar course towards the fiscal agent of the government, by the officer to whom the law has entrusted the supervision of its conduct, and given the power of removal.

Tried by these principles, it will be found that the conduct of the Bank made it the duty of the Secretary of the Treasury to withdraw from its care the public funds.

1st. Instead of a board constituted of at least seven Directors, according to the charter, at which those appointed by the United States have a right to be present, many of the most important money transactions of the Bank have been, and still are placed under the control of a committee denominated the Exchange Committee, of which no one of the public directors, has been allowed to be a

member since the commencement of the present year. This committee is not even elected by the Board, and public directors have no voice in their appointment. They are chosen by the President of the Bank; and the business of the institution which ought to be decided on by the Board of Directors, is in many instances transacted by this committee, and no one has a right to be present at their proceedings but the President and those whom he shall please to name as members of this committee. Thus loans are made, unknown at the time to a majority of the Board, and paper discounted which might probably be rejected at a regular meeting of the Directors; the most important operations of the Bank are sometimes resolved on, and executed by this committee; and its measures are, it appears, designedly, and by regular system, so arranged as to conceal from the officers of the Government, transactions, in which the public interests are deeply involved. And this fact alone furnishes evidence too strong to be resisted, that the concealment of certain important operations of the corporation, from the officers of the Government, is one of the objects intended to be accomplished by means of this committee. The plain words of the charter are violated, in order to deprive the people of the United States of one of the principal securities, which the law had provided to guard their interests, and to render more safe the public money entrusted to the care of the Bank. Would any individual of ordinary discretion continue his money in the hands of an agent who had violated his instructions for the purpose of hiding him the manner in which he was conducting the business confided to his charge? Would he continue his property in his hands when he had not only ascertained that concealment had been practised toward him, but when the agent avowed his determination to continue in the same course, and to withhold from him, as far as he could, all knowledge of the manner in which he was employing his funds? If an individual would not be expected to continue his confidence, under such circumstances, upon what principle could a different line of conduct be required from the officers of the United States charged with the care of the public interests? The public money is surely entitled to the same care and protection as that of an individual, and if the latter would be bound, in justice to himself, to withdraw his money from the hands of an agent thus regardless of his duty, the same principle requires that the money of the United States should, under the like circumstances, be withdrawn from the hands of their fiscal agent. And as the power of

withdrawal was confided to the Secretary of the Treasury, it was his duty to remove it on this ground alone, if no other cause of complaint had existed against the Bank. The conduct of the Bank, in relation to the three per cent stock of the United States, is a memorable instance of the power exercised in secret by the Exchange Committee, and the abuses to which it is incident. The circumstances attending that transaction have been so fully laid before Congress and the public, that it is useless to repeat them here. It was a case in which this committee not only managed in secret a monied transaction of vast amount, intimately connected with the interests of the people of this country, but one where the measures of the Government were thwarted by the Bank, and the nation compelled to continue for a time liable for a debt which it was ready and desired to extinguish. Nor is this the only measure of the kind which has come officially to my knowledge. I have the honor to present herewith a report made by three of the Public Directors to the President of the United States, on the 22d of April, 1833, (marked A.) in which, in compliance with his request that they would communicate to him such information as was within their personal knowledge relative to these unusual proceedings of the Board of Directors, they disclose the exceptionable manner in which the power conferred by law on the Board has been surrendered to the Exchange Committee; that this has been done evidently with the design of preventing a proper and contemplated examination into the accounts of persons whose paper was offered for discount; that a minority of the Board apparently sufficient to have prevented the loan, if the security was bad, were deprived of their votes upon the question; and that the long established by-laws of the institution were set aside for the purpose of carrying these designs into effect with less difficulty or embarrassment.

If proceedings like this are sanctioned by the constituted authorities of the United States, the appointment of directors on their part is an idle ceremony, and affords no safeguard to the public treasure, in the custody of the Bank. And even legislative enactments, in relation to this corporation, are of but little value, if it may, at its pleasure, disregard one of the fundamental articles of its constitution, and transfer to a secret committee, the business which by law, ought to be transacted by the board. It is scarcely necessary in presenting this document to the consideration of Congress, to notice an objection, which has been sometimes put forward against the publication of any proceedings which relate

to the accounts of private individuals. The circumstances detailed, are the regular and official transactions of the board of directors, nor do they involve the private debtor and creditor account of persons dealing with the Bank, which is alone included in the distinction taken by the charter in regard to private accounts. If the argument thus brought forward were a sound one, there could be no such thing as an examination of any value into the conduct of the Bank.

Because the business of the Bank being with individuals, its misconduct could never be shown without bringing before the public the individual transaction in which the conduct of the Bank was impeached. And if it could make good the position, that such proceedings are never to be exposed to the public, because individuals are concerned in them, it would effectually shut out all useful examination, and be enabled to apply its money to the most improper purposes, without detection or exposure. When its conduct is impeached, on the ground that it has used its great money power to obtain political influence, the investigation of the charge is in its very nature, an inquiry into its transactions with individuals. And although the accounts brought forward on such occasions, may be the accounts of individuals, yet they are also the accounts of the Bank, and show its conduct. And being the fiscal agent of the government, with such immense power to be exercised, for good or for evil, the public safety requires, that all of its proceedings should be open to the strictest and most rigorous scrutiny. Its charter may be forfeited by its misconduct, and would be justly forfeited, if it sought to obtain political influence in the affairs of the nation. And yet such attempts on the part of the Bank, can never be proved except by the examination and disclosure of its dealings with individuals.

2d. It is not merely by its concealments that the Bank has proved itself regardless of the duties of its agency. Its own interests will be found to be its ruling principle—and the just claims of the public to be treated with but little regard when they have come into collision with the interests of the corporation. This was but too plainly the case in the affair of the three per cents above mentioned. A recent instance proves its rule of action is not changed in that respect. And the failure of the French Government to pay the bill drawn for the first instalment due by the treaty, has been made the occasion of endeavoring to obtain from the public;

the sum of \$158,842.77, to which no principle of justice appears to entitle it. The money for which the bill was sold remained in the Bank. The expenses it incurred were of small amount, and these the government are willing to pay. But the corporation, not content with the profits it was deriving from the millions of public money then in its vaults, and which it was daily using in its discounts, endeavors to convert the public disappointment into a gainful transaction for itself, and demands the large sum above mentioned, without pretending that it sustained any loss or inconvenience, commensurate with the amount it seeks to obtain from the government. The fiscal agent of the public, attempts to avail itself of the unexpected disappointment of the principal, for the purpose of enhancing its own profits at the expense of the community.

3d. There is sufficient evidence to prove that the Bank has used its means with a view to obtain political power, and thereby secure the renewal of its charter.

The documents which have been heretofore laid before Congress, and are now on its files, will show, that on the 31st of December, 1830, the aggregate debt due to the Bank, was \$42,402,304.24, and that on the 31st December 1831, it was \$63,026,452.93, being an extension of its loans in a single year of twenty millions of dollars, and an increase of nearly fifty per cent, on its previous accommodations.

And as if to leave us no room to doubt as to the motive of this extraordinary conduct, it continued to add rapidly to its loans, and on the 1st of May, 1832, while its petition for the renewal of its charter was yet pending before Congress, they amounted to \$70,428,070.72, being an increase of \$7,401,617.79, in the four preceding months, and making altogether an addition of \$28,025,766.48, in the short space of sixteen months, and being an extension of more than 66 per cent. on its previous loans. Such an increase at such a period of its charter, is without example in the history of banking institutions. On the 31st of December, 1830, when its loans amounted as above stated, to only \$42,402,304.24, the corporation had been in existence fourteen years. The sudden and great increase was made when the charter was drawing to a close, and when it had but little more than four years to run. It cannot be supposed that these immense loans were made, from a confi-

dant expectation that the charter would be renewed. On the contrary it is now an historical fact that the Bank itself deemed the chances of renewal so doubtful, that in the session of Congress beginning in Dec. 1831, it petitioned for a recharter, and the reason generally assigned for pressing for a decision, at that time, was the great extent of its business; and the necessity of preparing to bring it to a close if the charter was not to be renewed. Thus, with but little more than four years to run, with doubtful chances of renewal, and aware of the necessity of beginning to arrange its vast transactions, it increases its loans in sixteen months more than twenty-eight millions of dollars. Was this imprudence only? It cannot be believed that those who managed its concerns, could have committed such an oversight. Can any proper reason be assigned for this departure from the course which the interests of a monied corporation, as well as that of the country, obviously required. I am not aware that any sufficient justification has been offered. And this extraordinary increase of its loans, made in so short a space of time, at such a period of its charter, and upon the eve of a severely contested election of President, in which the Bank took an open and direct interest, demonstrates that it was using its money for the purpose of obtaining a hold upon the people of this country, in order to operate upon their fears, and to induce them, by the apprehension of ruin, to vote against the candidate whom it desired to defeat. In other words, this great monied corporation determined to enter the political arena, and to influence the measure of the government by causing its weight to be felt in the election of its officers.

But if the circumstances above stated were not, of themselves, sufficient, to prove that the Bank had sought, by its money, to obtain political power, and to exercise by that means a controlling influence on the measures of the Government, recent developments have furnished such proof as to leave no room for doubt. I have the honor to transmit herewith an official statement (marked B,) signed by four of the public directors in the Bank, showing at the same time the unlawful manner in which its business is conducted, and the unwarrantable purposes to which its money has been and still is applied. It will be seen by the proceedings therein stated, that the whole capital of the Bank is in effect placed at the disposition of the president of that institution. He is authorised to expend what he pleases in causing "to be prepared and circulated such documents and papers as may communicate to the people in-

formation in regard to the nature and operations of the Bank."— And he may therefore, under the very indefinite terms of the resolutions, employ as many persons as he pleases, at such salaries as he thinks proper, either to prepare daily paragraphs for newspapers in favor of the Bank, or to write pamphlets and essays to influence the public judgment. And he may even provide for the publications, by salaries to printers, or by purchasing presses and types, and placing them in the hands of agents employed and paid by the Bank. There is no limitation, short of the capital of the Bank, as to the sum of money he may thus expend in different parts of the United States. From the description of articles which appear to have been paid for under this resolution, it seems that the President of the institution has supposed that publications containing attacks upon officers of the government who are supposed to stand in the way of the renewal of the charter, is one of the modes of "communicating to the people information in regard to the nature and operations of the Bank." This construction was, it appears, approved by the board, as they continued the authority in his hands, unchanged, after the manner in which a portion of the money had been applied was laid before them. And we are left to conclude, that this institution is now openly in the field as a political partisan, and that one of its means of warfare, is the destruction of the political standing of those, who are opposed to the renewal of the charter. The sum actually charged to the expenses, under this resolution, is sufficiently startling. How much more may have been already squandered, we are yet to learn, and the work of "preparing and circulating" such publications is still, it is presumed, going on under the last resolution of the Board. It is moreover impossible to ascertain the specific purposes to which the money may in fact have been applied, since vouchers are not required to show the particular services for which it was given.— With these positive proofs of the efforts of the Bank to obtain power, and to influence the measures of the Government, I have not hesitated as to the path of duty. If, when this evidence was before me, I had failed to withdraw the deposits of public money from the Bank, it would have been lending the countenance and support of this Department to measures which are but too well calculated to destroy the purity of our institutions, and endanger thereby the liberties of the people. It cannot be supposed that these expenditures are justifiable on the ground that the Bank has a right to defend itself, and that the money in question was there-

fore properly expended. Some of the items accounted for, sufficiently show in what manner it was endeavored to defend its interests. It had entered the field of political warfare, and as a political partisan, was endeavoring to defeat the election of those who were opposed to its views. It was striving by means of its money to control the course of the Government, by driving from power those who were obnoxious to its resentment. Can it be permitted to a great monied corporation to enter on such a controversy, and then justify its conduct on the ground that it is defending its own interests? The right of such an institution to interfere in the political concerns of the country for any cause whatever, can never be recognized; and a defence like this, on the part of the Bank, could not be tolerated even if the individual stockholders alone were thus using their own money to promote their own interests. But it is not only the money of individuals, which is thus applied. The one-fifth of the capital of the Bank, amounting to seven millions of dollars, belongs to the United States, and the one-fifth of the money which has been expended, and is yet to be expended, under this resolution, is the property of the public and does not belong to private individuals. Yet the board of directors assert the right, not only to authorise the expenditure of the money of individual stockholders, in order to promote their individual interests; but have also, by the resolution in question, taken upon themselves to give the like authority over money which belongs to the United States.

Is an institution which deals thus with the money of the people, a proper depositary for the public funds? When such a right is openly claimed and acted upon by the Board of Directors, can the the money of the United States be deemed safe in its hands? The same principle that would sanction the application of one portion of the public money to such purposes, would justify the like use of all that may come to its possession. The Board of Directors have no lawful authority to employ the money of the United States for such objects. So far as the nation is concerned in the character of the Bank, the people, through their own representatives in Congress, can take care of their own rights, and vindicate the character of the Bank, if they think it is unjustly assailed. And they do not need the aid of persons employed and paid by the Bank, to learn whether its charter be constitutional or not, nor whether the public good requires it to be renewed. Nor have they authorized the President and directors of that institution, to expend the public money to enlighten them on this subject.

The resolution in question is, moreover, in direct violation of the act of Congress by which this corporation was established. And it is difficult to imagine how the unlimited and irresponsible power over the money of the Bank, which the Directors have given to their President, can be reconciled to the clause in their charter which requires seven Directors to form a Board for the transaction of business. If the expenditure of money, for the purposes contemplated by the resolution, be a legitimate part of the business of the corporation, the Board could not lawfully transfer it to one of its officers, unless they can by resolution, surrender into the hands of their President the entire power of the corporation, and commit to the care of a single individual, the corporate powers which the law has declared should be exercised by the Board of Directors.

Chief Justice Marshall, in the case of the Bank of the United States vs. Dandridge, when speaking of the bonds required to be given by the Cashiers of the Bank, says, "It requires very little knowledge of the interior of Banks to know, that the interests of the stockholders are committed, to a very great extent, to these, and other officers. It was, and ought to have been, the intention of Congress, to secure the government which took a deep interest in this institution, and to secure individuals, who embarked their fortunes in it, on the faith of the government, as far as possible, from mal-practices of its officers." But the directors of the Bank seem to have acted on principles directly opposite to those stated by the Chief Justice. And instead of endeavoring to secure, "as far as possible," the public and individuals from the mal-practices of its officers, they place the funds of the Bank under the control of a single officer, from whom neither security nor specific vouchers have been required. It is true, that in the opinion which the Chief justice gave in the case from which the above passage is quoted, he differed from the rest of the Court. But the difference was on other principles, and not on the one above stated.

In forming my judgment on this part of the case, I have not regarded the short time the charter has yet to run; but my conduct has been governed by considerations which arise altogether out of the course pursued by the Bank, and which would have equally influenced the decision of this Department, in relation to the deposits, if the Bank were now in the first years of its existence. And upon this view of the subject, the following propositions appear to be fully maintained:

1st. That the Bank, being the fiscal agent of the Government, in the duties which the law requires it to perform, is liable to all the responsibilities which attach to the character of agent, in ordinary cases of principal and agent among individuals; and it is therefore the duty of the officer of the Government to whom the power has been entrusted, to withdraw from its possession the public funds, whenever its conduct towards its principal has been such as would induce a prudent man in private life, to dismiss his agent from his employment.

2d. That by means of its Exchange Committee, it has so arranged its business, as to deprive the public servants of those opportunities of observing its conduct, which the law had provided for the safety of the public money confided to its care; and that there is sufficient evidence to show that this arrangement on the part of the Bank was deliberately planned, and is still persisted in, for the purpose of concealment.

3d. That it has also, in the case of the three per cent stock, and of the bill of exchange on France, endeavored unjustly to advance its own interests, at the expense of the interests and the just rights of the people of the United States.

If these propositions be established, it is very clear that a man of ordinary prudence, in private life, would withdraw his funds from an agent who had thus behaved himself in relation to his principal; and it follows, that it was the duty of the Secretary of the Treasury to withdraw the funds of the United States from the Bank.

4th. That there is sufficient evidence to show that the Bank has been, and still is, seeking to obtain political power, and has used its money for the purpose of influencing the election of the public servants; and it was incumbent upon the Secretary of the Treasury, on that account, to withdraw from its possession the money of the United States which it was thus using for improper purposes. Upon the whole, I have felt myself bound by the strongest obligations to remove the deposits. The obligation was imposed upon me by the near approach of the time when this corporation will cease to exist, as well as by the course of conduct which it has seen fit to pursue.

The propriety of removing the deposits being thus evident, and it being consequently my duty to select the places to which they

were to be removed, it became necessary that arrangements should be immediately made with the new depositaries of the public money, which would not only render it safe, but would at the same time secure to the government and to the community at large, the conveniencies and facilities that were intended to be obtained by incorporating the Bank of the United States. Measures were accordingly taken for that purpose, and copies of the contracts which have been made with the several banks, and of the letters of instructions to them from this Department, are herewith submitted. The contracts with the banks in the interior, are not precisely the same with those in the Atlantic cities. The difference between them arises from the nature of the business transacted by the banks in these different places. The State banks selected, are all institutions of high character and undoubted strength, and are under the management and control of persons of unquestioned probity and intelligence. And in order to insure the safety of the public money, each of them is required, and has agreed to give security, whenever the amount of the deposit shall exceed the half of the amount of the capital actually paid in; and this department has reserved to itself the right to demand security whenever it may think it advisable, although the amount on deposit may not be equal to the sum above stated. The banks selected have also severally engaged to transmit money to any point at which it may be required by the directions of this department, for the public service, and to perform all the services to the government which were heretofore rendered by the Bank of the United States. And by agreements among themselves, to honor each other's notes and drafts, they are providing a general currency at least as sound as that of the Bank of the United States, and will afford facilities to commerce, and in the business of domestic exchange, quite equal to any which the community heretofore enjoyed. There has not been yet sufficient time to perfect these arrangements, but enough has already been done, to show that even on the score of expediency, a Bank of the United States is not necessary, either for the fiscal operations of the government, or the public convenience;—and that every object which the charter to the present Bank was designed to attain, may be as effectually accomplished by the State banks. And, if this can be done, nothing that is useful will be lost or endangered by the change, while much that is desirable will be gained by it. For no one of these corporations will possess that absolute, and almost unlimited dominion over the property of the

citizens of the United States, which the present Bank holds, and which enables it at any moment, at its own pleasure, to bring distress upon any portion of the community, whenever it may deem it useful to its interest to make its power felt.

The influence of each of the State Banks is necessarily limited to its own immediate neighborhood, and they will be kept in check by the other local banks. They will not therefore be tempted by the consciousness of power to aspire to political influence, nor likely to interfere in the elections of the public servants. They will moreover be managed by persons who reside in the midst of the people, who are to be immediately affected by their measures, and they cannot be insensible or indifferent to the opinions and peculiar interests of those by whom they are daily surrounded, and with whom they are constantly associating. These circumstances always furnish strong safeguards against an oppressive exercise of power, and forcibly recommend the employment of State Banks in preference to a Bank of the United States, with its numerous and distant branches. A corporation of the latter description, is constantly acting under the conviction of its immense power over the money concerns of the whole country, and is dealing also with the fortunes and comforts of men who are distant from them, and to whom they are personally strangers. The Directors of the Bank are not compelled to hear daily the complaints and witness the sufferings of those who may be ruined by their proceedings. From the nature of man such an institution cannot always be expected to sympathize with the wants and feelings of those who are affected by its policy. And we ought not perhaps to be surprised, if a corporation like the Bank of the United States, from the feeling of rivalry, or from cold calculations of interest or ambition, should deliberately plan and execute a course of measures highly injurious and oppressive, in places where the Directors who control its conduct have no local sympathies to restrain them. It is a fixed principle of our political institutions, to guard against the unnecessary accumulation of power over persons and property, in any hands. And no hands are less worthy to be trusted with it than those of a monied corporation. In the selection therefore of the State Banks as the fiscal agents of the government, no disadvantages appear to have been incurred on the score of safety or convenience, or the general interest of the country, while much that is valuable will be gained by the change. I am however well aware of the vast power of the Bank of the United States, and of

its ability to bring distress and suffering on the country. This is one of the evils of chartering a Bank with such an amount of capital, with the right of shooting its branches into every part of the Union, so as to extend its influence to every neighborhood. The immense loan of more than twenty-eight millions of dollars suddenly poured out, chiefly in the western states, in 1831, and the first four months of 1832, sufficiently attests that the Bank is sensible of the power which its money gives it, and has placed itself in an attitude to make the people of the United States feel the weight of its resentment, if they presume to disappoint the wishes of the corporation. By a severe curtailment, it has already made it proper to withdraw a portion of the money it held on deposit, and transfer it to the custody of the new fiscal agents, in order to shield the community from the injustice of the Bank of the United States. But I have not supposed that the course of the government ought to be regulated by the fear of the power of the Bank. If such a motive could be allowed to influence the legislation of Congress, or the action of the Executive Departments of the government, there is an end to the sovereignty of the people, and the liberties of the country are at once surrendered at the feet of a monied corporation. They may now demand the possession of the public money, or the renewal of the charter, and if these objects are yielded to them from apprehensions of their power, or from the suffering which rapid curtailments on their part are inflicting on the community, what may they not next require? Will submission render such a corporation more forbearing in its course? What law may it not hereafter demand, that it will not, if it pleases, be able to enforce by the same means?

These considerations need not, however, be pressed further in this report. They are too obvious and striking to need enforcement by argument. And I rely with confidence on the representatives of this enlightened nation, to sustain a measure which the best interests of the country called for, and which had become absolutely necessary to preserve untainted its free institutions, and to secure the liberties and happiness of the people.

I am, very respectfully, your obedient servant,

R. B. TANEY,

Secretary of the Treasury.

No. 8.

IN SENATE,

January 13, 1834.

RESOLUTION

**Relative to the Safety Fund Banks and Insurance
Companies.**

Resolved, That the committee on the incorporation of banks and insurance companies be instructed to inquire into the expediency of compelling, by law, each bank incorporated under the safety fund act, to have at all times in their vaults, one-fifth of their capital in specie.

[Senate No. 8.]

1

No. 9.

MEMBERS OF THE SENATE,

WITH THEIR RESPECTIVE

Districts, County and Nearest Post-Office.

FIFTY-SEVENTH SESSION, 1884.

Hon. JOHN TRACY, Lieut. Gov. and President, Oxford, Chenango.

DISTRICTS.	COUNTY.	NEAREST POST-OFF.
<i>First District.</i>		
Jonathan S. Conklin, . . .	Suffolk,	Easthampton.
Harman B. Cropsey, . . .	Richmond,	Richmond.
Myndert Van Schaick, . .	New-York,	City of New-York.
Charles L. Livingston, . .	do	do.
<i>Second District.</i>		
David M. Westcott,	Orange,	Goshen.
Allan Macdonald,	Westchester,	White-Plains.
John Sudam,	Ulster,	Kingston.
Leonard Maison,	Dutchess,	Poughkeepsie.
<i>Third District.</i>		
Herman I. Quackenboss, .	Greene,	New-York.
John W. Edmonds,	Columbia,	Hudson.
Peter Gansevoort,	Albany,	Albany.
John C. Kemble,	Rensselaer,	Troy.
<i>Fourth District.</i>		
William I. Dodge,	Montgomery,	Johnstown.
Josiah Fisk,	Clinton,	Keeseville.
Louis Hasbrouck,	St. Lawrence,	Ogdensburgh.
Isaac W. Bishop,	Washington,	Granville.
<i>Fifth District.</i>		
Henry A. Foster,	Oneida,	Rome.
Robert Lansing,	Jefferson,	Watertown.
John G. Stower,	Madison,	Hamilton.
Francis Seger,	Lewis,	Martinsburgh.
<i>Sixth District.</i>		
Charles W. Lynde,	Cortland,	Homer.
John G. McDowell,	Tioga,	Chemung.
John F. Hubbard,	Chenango,	Norwich.
Ebenezer Mack,	Tompkins,	Ithaca.
<i>Seventh District.</i>		
William H. Seward,	Cayuga,	Auburn.
Jehiel H. Halsey,	Seneca,	Lodi.
Samuel L. Edwards,	Onondaga,	Manlius.
Thomas Armstrong,	Wayne,	Butler.
<i>Eighth District.</i>		
Trumbull Cary,	Genesee,	Batavia.
John Birdsall,	Chautauque,	Mayville.
John Griffin,	Allegany,	Cuba.
Albert H. Tracy,	Erie,	Buffalo.

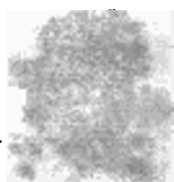
No. 10.

IN SENATE,
January 15, 1834.

RESOLUTION

Relative to the Bank of the United States.

Resolved, (if the Assembly concur,) That the conduct of the Bank, in attempting at a time of general prosperity, to produce pecuniary distress and alarm, and in exercising its power with a view to extort a renewal of its charter from the fears of the people, affords of itself full justification for the withdrawal of the confidence of the government.



No. 11.

IN SENATE,
January 13, 1834.

REPORT

Of the Superintendent and Inspector of the Onondaga Salt Springs.

SUPERINTENDENT'S OFFICE, }
Salina, January 7, 1834. }

HON. JOHN TRACY,
President of the Senate.

SIR—

I have the honor herewith to transmit to the Honorable the Assembly the annual report required from this office.

With great respect,

I am your ob't. servant,

NEHEMIAH H. EARLE.

REPORT, &c.

In obedience to the sixteenth section, of chapter nine, title ten, of the first part of the Revised Statutes, the undersigned, the Superintendent of the Onondaga salt springs, and the Inspector of salt in the county of Onondaga,

RESPECTFULLY REPORT;

That during the year eighteen hundred and thirty-three, there has been inspected one million, eight hundred and thirty-eight thousand, six hundred and forty-six bushels of salt in the town of Salina. The quantity inspected in the several villages from month to month during the year, will appear by the annexed table, marked, No. 1.

There has been expended on the public pumps, (including the completion of the pump at Geddes, the repairs of all the pumps, and tending the same) during the year, two thousand eight hundred and ninety-seven dollars and twenty-seven cents, and there has been collected for raising the salt water for the same time, three thousand six hundred and seventy-seven dollars and forty-nine cents, making the receipts from that source, exceed the disbursements seven hundred and eighty dollars and twenty-two cents.

Since our last report, the pump in the village of Geddes has been completed, and has been in operation during the past season, and continues in good repair, and raises water sufficient for the manufacturers in that place. The three pumps at the village of Salina also continue in good repair, and have furnished plenty of salt water for all the manufactories in the village of Salina, Syracuse and Liverpool, except a few days last summer there was some complaining of a scarcity. All the manufactories in these three villages were in operation drawing water from one spring in the village of Salina, and all the water which the pumps would raise from it, it is believed was raised for the manufacturers use.

Near this spring are three others furnishing salt water of an inferior quality, by reason of which inferior quality, the manufacturers object to our mingling that water with that furnished from the best spring. It is believed, however, that the water in the three springs alluded to, is as good as any water yet discovered, except the said best spring before referred to, and the spring in the village of Geddes. By mingling of two or more of these springs, it is confidently believed, that a sufficient supply of water can be raised by the pumps now in repair at Salina, to furnish the manufactories in the villages of Salina, Syracuse and Liverpool at all times.

All the water used during the last year by the manufacturers of these three villages, has been furnished from the said best spring at Salina village; and it is probable that a sufficient quantity of water might be furnished from that spring for the use of all the manufactories in these three villages, if it could be used uniformly from month to month. But the great surface of the coarse salt vats which require to be supplied at certain times, and the frequency of the time depending upon the weather; that in dry weather during the hot season and immediately after the salt has been taken from the vats; to fill them again, requires for the time more water than that one spring can furnish, and at the same time supply the fine salt manufactories.

This difficulty we hope in some measure to obviate, by enlarging the reservoirs during the present winter. However, if the said best spring shall not yield a sufficient quantity for the manufactories which have heretofore been supplied, and such as may wish to be furnished from these, in such an emergency it would be desirable to have the Legislature provide in what manner the officers whose duty it is to furnish the manufacturers with water, whether they shall furnish from the best spring to those who have the first right to the use of it, and the poorer water to those who have a right to use the surplus; or shall it be their duty to mingle the best water with the next best water that can be found until all the manufacturers are supplied.

On the margin of the Onondaga creek, and on land located by the Onondaga coarse salt company, in the village of Syracuse, some time previous to the year 1831, Mr. Stephen Smith, (the agent of that company) and some other persons, bored, (as they

informed us,) to the depth of one hundred and sixty feet, and obtained water, which the proprietors of the spring believe to be equal in quality to the best spring at Salina. They have requested the Superintendent to take possession of it, as provided in the fifty-first section of said statute. And also to erect a pump there to raise that water for the use of the manufacturers at that place. To which request the Superintendent offered to comply, if the manufacturers there would consent to use it, and relinquish the use of the water from the spring in the village of Salina, on being furnished with water from their said spring, in case there should be a scarcity of water from the best spring at Salina. The agents of the Syracuse and Onondaga salt companies declined acceding to this proposition. For the purpose, however, of testing the quality of the water in that spring, the Superintendent has contracted with a Mr. Gifford, to put in operation an old pump near said spring. If on pumping out the water, it shall be found to be equal to the said best spring at Salina, or superior to the other three springs there, the Superintendent would consider himself authorised by the existing statute to erect a pump at that place. But, if on testing the strength of the water in that spring it shall not be found to be superior to the second rate water in the spring at Salina, then it is supposed that the expenditure would not be authorised under the present statute.

It might, however, be beneficial to the manufacturers at Syracuse, to be furnished with water from their said spring if it should be only equal with the second quality of water at Salina, in as much, as it would relieve them from maintaining conduits from the reservoirs at Salina. If they could receive water from that spring the distance would be shortened more than one mile. If it is deemed expedient by the Legislature to relieve them from maintaining this extended line of conduits, it is recommended that the case should be provided for by statute.

The fifty-fourth section of the statute before referred to, provides, that "the Superintendent shall take from the Erie canal, on the Salina level, so much of the surplus waters thereof, as may be necessary to drive all the pumps," &c. Does this section authorise the Superintendent to take the water out of the canal on the Salina level at different points at such place as he pleases, or must he be confined to the place where it is now taken out; or before he opens another place, should he not obtain consent of the Canal

Commissioners? We request that the statute may be made more explicit, so much so, as to direct in what manner the Superintendent shall have power to take water from the canal.

For the purpose of enabling the Superintendent and Inspector more correctly to determine, whether any of the manufacturers do evade the payment of duties, or incur the penalty inflicted by the eighty-seventh section of the said statute, they recommend that the same may be so amended that such offenders may be brought to justice. And this desirable object, it is believed, can be more readily attained, by authorising the Superintendent and Inspector, or either of them, to examine on oath the manufacturers, and the person or persons by him or them employed in boiling or packing of salt in his or their manufactory, in relation to the disposition of all or any part of the salt therein during the sixty days next preceding such examination. And that in case any such manufacturers, boiler or packer, shall refuse to be examined as aforesaid, or shall refuse to answer any such question as may be put to them in relation thereto, according to the best of their knowledge, that a penalty may be incurred. In case such manufacturer shall refuse as aforesaid, it may be made the duty of the Superintendent and Inspector, to suspend the operation of his manufactory, as provided for in the said eighty-seventh section: And in case such boiler or packer shall so refuse, that it shall be the duty of such manufacturer to discharge such boiler or packer on being notified by the Superintendent or Inspector of such refusing; and that in case such manufacturer does not forthwith discharge such refusing boiler or packer, that the said Superintendent and Inspector in like manner suspend the operation of such manufactory.

The 121st section of said statute provides, that "no salt shall be removed" from the manufactory, except in a certain manner therein specified. We think this section useful, and recommend that a penalty attach to each person, of five dollars for every bushel that shall be removed contrary to the provision in that section. It will be perceived, that at present, there is no penalty attached to the violation of the provisions of that section.

The 142d section of said statute inflicts a penalty on every person who shall remove from the reservation, or attempt to remove therefrom, to evade the payment of duties, five dollars for every bushel of salt so removed; but no penalty is incurred by removing

a fractional part of a bushel. We recommend that the statute be so amended, as to provide a penalty for part of a bushel so removed.

The 144th section of the statute before mentioned, authorizes the officer (who has seized salt removed from the reservation without having paid the duties thereon) to seize "the boat, vessel, cart, wagon, sled, or other vehicle, together with tackle, apparel and team." In practising under this provision, we have found it very inconvenient, as well as expensive, keeping teams which have been so seized, until the termination of a suit in a court of justice.

To remedy this expense, we recommend that provision be made that the owner of such property may have the possession of it, by giving a bond to the Superintendent, with sureties to be approved of by the Superintendent, Inspector, or first judge of the county, conditioned that the obligors deliver the same property to the said Superintendent, on his recovering judgment in the suit commenced or to be commenced for the recovery of the penalty, so that the avails of the same property may be applied on the execution, or the value of it; and also provide (in case such owner shall neglect to give such bond for the space of ten days after such seizure) that the Superintendent may sell the same, or such part of it as requires an expense in keeping, by giving timely notice of such sale.

The 159th section of the said statute provides for the imprisonment of defendants, where property cannot be found to satisfy judgments for the recovery of penalties in justices' courts, and directs that they shall remain within the walls of the jail for the term of sixty days; but it does not extend to a like recovery in courts of record. We therefore recommend that the statute be so amended, that on the recovery of a judgment in any court of record, for a penalty under any of the sections of said statute, that the defendants shall be confined in the manner provided in the 159th section, as many days as there are dollars in the recovery against such defendant.

We abstain from urging the necessity of a reduction of the duties on salt, as your predecessors, and the people so recently and with so much unanimity, have called for it, that we cannot doubt but the present Legislature will, with a laudable desire to relieve the manufacturers of that necessary article, as well as their consti-

tuents, from an enormous tax, promptly reduce the duties to the lowest rate authorized by the amended Constitution.

On the first day of August, 1831, the Superintendent and Inspector, in pursuance of the authority conferred on them by the 13th section of said statute, did make and ordain "rules and regulations which they deemed expedient," a copy of which is hereto annexed, marked No. 3. We have found it necessary to prosecute, in some instances, for violations of these regulations; and in one suit for the violation of the eighth rule, it was contended by the counsel for the defendant, to the jury that passed on the case, that the officers had no authority to make such regulations. After proving the violation of the rule, the jury found a verdict in favor of the defendant, on which the justice gave judgment; after which, we caused the proceedings to be removed into the court of common pleas by certiorari, where the justice's judgment was reversed; on which the said defendant has since removed the proceedings into the Supreme Court, by filing a writ of error, which is now pending in that court undecided. Inasmuch as there may be doubt as respects our authority, and as we consider the provisions important and necessary, we recommend that such provisions may be embraced in an amendment to said statute.

The annexed table, marked No. 2, exhibits a statement of the present number and capacity of the manufactories, and the average production while in operation.

It is believed by one of the officers making the foregoing report, that the question of the water that should be furnished to those first entitled to it, has been already settled by decisions made under the act of 1825; but as there are doubts, he can have no objection to having the same settled by the Legislature.

NEHEMIAH H. EARLL,
M. V. VLECK.

Salina, January 7, 1834.

DOCUMENTS.

(No. 1.)

A TABLE, shewing the quantity of Salt manufactured in the town of Salina in the year 1833, in the several manufacturing villages, in each month during said year.

MONTH.	<i>Salina.</i>	<i>Liverpool.</i>	<i>Syracuse.</i>	<i>Geddes.</i>
	Bushels. lbs.	Bushels. lbs.	Bushels. lbs.	Bushels. lbs.
January,	3,675 46	761 34	5,046 32	393 01
February,	13,749 55	4,863 36	13,816 36	3,078 28
March,	7,592 42	3,759 10	5,418 24	773 06
April,	14,589 47	18,009 00	3,608 52	9,320 00
May,	72,792 02	34,078 22	13,931 44	27,554 00
June,	130,626 14	46,872 26	28,712 18	30,163 06
July,	150,634 31	48,170 38	31,520 38	36,591 46
August,	161,446 06	48,208 14	50,526 33	26,099 34
September,	147,922 25	44,145 08	55,980 07	33,260 34
October,	149,450 49	43,960 48	54,433 00	28,666 16
November,	94,532 17	29,046 38	38,587 36	39,838 22
December,	8,555 33	2,558 16	17,164 15	4,158 24
	955,568 31	324,434 10	318,746 55	239,896 49

Total, 1,838,646½.

(No. 2.)

Names of Villages.	No. of manu- factories.	No. of kettles	No. of super- ficial feet of vats and pens.	No. of gallons in the ket- tles.	No. of days in operation.	Average time each manu- factory is in opera- tion.	Average gal- lonage of each manu- factory.	Average product of each manu- factory pr day, while in ope- ration.—bush.	No. of bushels manufactured.	lbs.
Salina, F. S. . . .	69	1,784	.....	169,885	9,012	131	2,461	994	894,521	33
do. C. S. . . .	8	150	83,484	14,180	1,074	134	2,026	57	61,046	54
Liverpool,	25	560	.....	50,710	4,125	165	2,028	784	324,434	10
Syracuse,	14	352	189	32,590	2,509	179	2,328	86	318,746	55
Geddes,	15	463	3,170	45,480	2,159	144	3,030	111	239,896	49
	131	3,309	36,643	312,795	18,879				1,838,646	33

By solar evaporation, 102,783 20.

Coarse Salt Companies' Vats.

Onondaga Salt Company,	600,000
Syracuse do do	655,488
Henry Gifford,	110,880

Making 1,366,366 superficial feet.

See separate page
H

(No. 3.)

*Rules and Regulations, made by the Superintendent and Inspector.
At a Meeting of the Superintendent of the Onondaga Salt Springs
and the Inspector of Salt in the County of Onondaga, held at the
Superintendent's Office in the Village of Salina, on the first day
of August, 1831, the following rules and regulations were made:*

1st. As quicklime is considered most useful and effectual in the preparation of the salt water in the cisterns, for the purpose of making salt by boiling, therefore, ordered that it be used in the following manner and proportions: Not less than six, nor more than twelve quarts of good quicklime, to be well mixed with four thousand gallons of water in the cistern, by sifting it over the surface or otherwise; and in that proportion for a greater or less quantity: That a sufficient time be allowed after the admixture of the lime, for precipitation to take place, and for the water to become transparent before it is drawn into the kettle to be boiled. And it is further ordained, that every person engaged in the manufacture of salt by boiling, who neglects to comply with the foregoing rule or regulation, either by the use of lime in a greater or less proportion, or by drawing the water from the cistern into the kettle to be manufactured before it has become transparent, pay a fine or penalty of *five dollars* for each offence.

2d. That the cistern or reservoir for each block of kettles shall be cleaned as often as once a month, while the block or manufactory is in operation. And it is further ordained, that each manufacturer or boiler who shall neglect to comply with this regulation, shall forfeit and pay the sum of *ten dollars*.

3d. That the conduits leading the water from the cistern to the kettles, shall be inserted so as to receive the water at least four inches above the bottom of the cistern. And it is further ordained, that each manufacturer who shall neglect to comply with this regulation, shall forfeit and pay the sum of *fifty cents* for each day his manufactory is in operation, without complying with this regulation.

4th. That a good bittern pan shall be placed in each kettle, as soon as the kettle is filled with water for boiling, and to be drawn as often as necessary to extract from the pickle the sediment depositing therein; which process shall be continued until the salt deposits to prevent it. And be it further ordained, that each manufacturer or boiler who neglects to comply with this regulation, shall forfeit and pay the sum of *twenty-five cents* for each offence.

5th. Each manufacturer shall furnish at least four good baskets to every five kettles in operation, into which baskets the salt shall be drawn, and there remain in the usual way or manner over the kettle, until well drained before it is discharged into the salt bin, and there to remain as discharged from the basket, until the Inspector or one of his deputies shall have an opportunity to see it before

the same is broken to pieces, in their daily examination of the manufactory. And be it further ordained, that each manufacturer or boiler who does not comply with this regulation, shall forfeit and pay the sum of *two dollars*.

6th. That the salt bin shall be kept clean, clear from dirt or filth; and that no salt but such as is first quality salt, be put therein, or mixed with good salt. And it is further ordained, that each manufacturer or boiler in any manufactory who shall knowingly offend against this regulation, shall forfeit and pay the sum of *two dollars* for each offence.

7th. All salt manufacturers, their boilers and packers, are required and ordered to be careful, and be sure to prevent bad salt being put into barrels for inspection. And it is further ordained, that each person wilfully or knowingly offending against this regulation, shall forfeit and pay *two dollars*.

8th. The habit of wetting salt in the bin, barrel or otherwise, and the discharging of wet salt into the bin, is hereby expressly forbidden. And it is further ordained, that each person who shall hereafter offend by wetting the salt as aforesaid, or by discharging wet salt into the bin, shall forfeit and pay *ten dollars*.

9th. Each salt manufacturer and every boiler of salt, whenever they cool down the manufactory to peck out the kettles, the pickle then remaining in the kettles, it is hereby ordered, shall be thrown away; and each person who neglects to comply with this order, shall forfeit and pay *two dollars*.

NEHEMIAH H. EARLL,
Superintendent of the Onondaga Salt Springs.

MATTHEW V. VLECK,
Inspector of Salt in the County of Onondaga.

No. 12.

IN SENATE,

January 11, 1834.

REPORT

**Of the committee on the petition of the Vestry of
St. Peter's Church, Aurelius.**

Mr. Seward, from the select committee to whom was referred the petition of the "Vestry of St. Peter's Church, Aurelius," praying for the passage of a law changing the name of the said corporation,

REPORTED:

That the petitioners are a corporation for the secular purposes of a religious society, attached to the Protestant Episcopal Church, and located in the village of Auburn. That at the time of the creation of the said corporation, the said village had not acquired the name of Auburn, and being in what was then the town of Aurelius, the corporation assumed the name of that town; which name was adopted also in the seal of the petitioners. That the village of Auburn has since been incorporated, and that part of the old town of Aurelius in which it is situated was made a new town under the name of Auburn.

The petitioners state that the continuance of the original name of the corporation and the necessary use of the original seal have become inconvenient, and frequently leads to mistakes in the execution of legal instruments relating to the business of said church.

The committee think the prayer of the petitioners ought to be granted, and beg leave to submit a bill for that purpose.

[Senate No. 12.]

No. 13.

**IN SENATE,
January 9, 1834.**

ANNUAL REPORT

Of the Inspectors of the State Prison at Mount-Pleasant.

TO THE LEGISLATURE OF THE STATE OF NEW-YORK.

The Inspectors of the State Prison at Mount-Pleasant, in the county of Westchester, in pursuance of the Revised Statutes,

RESPECTFULLY REPORT:

That during the last fiscal year, from September 30th, 1832, to September 30th, 1833, the agent has received, on account of the prison, from the earnings of the convicts, including the raw material used by them, \$37,548 65

He has, during the same year, expended for the general support of the prison, including materials purchased, 67,262 74

(See document A. which accompanies this report.)

Balance over all sums expended, 30th Sept. 1833, ... 285 91

There has been expended during the year, for materials used in the various buildings which have been erected, and which is included in the above statement, (Doc. B.) \$2,969 35

This sum, added to the above balance over all expenses,

shows a nett balance in favor of the prison, of..... 3,255 26

On the 30th of September, 1832, there remained in the hands of the agent, 4,254 95

Balance in his hands 30th Sept. 1833, of the earnings for the year, 285 91

Whole balance in hand 30th Sept. 1833, \$4,540 86

[Senate, No. 13.]

From the preceding statement, it will be perceived, that the receipts for the fiscal year have exceeded the ordinary expenses of the establishment, by the sum of \$3,255.26; a result fully equal to, and indeed surpassing the expectations the Inspectors entertained at the time of making their last annual report.

The past year has been extremely favorable to the interests of the prison. An unusual degree of health has attended the convicts; a fair compensation has been received for their labor. The old difficulties which oppressed the fiscal concerns of the prison having been removed by the fulfilment of the old contracts, has enabled the agent to apply all the earnings to its support, and has produced the gratifying result that the prison has sustained itself without the aid of the Treasury.

On the 30th September, 1832, there remained in this prison	
832 convicts,	832
From the 30th September, 1832, to the 30th September,	
1833, 219 convicts have been received into this prison, .	219
	<hr/>
Making.....	1,051
During the same period, 165 have been discharged by the	
expiration of sentences,	165
By pardon,.....	50
Died,	25
	<hr/>
	240
Remaining in prison 30th September, 1833, (Doc. C.)	
	811
Shewing a decrease in the number of convicts received at the prison during the year, from that of the preceding year, (which was 289,) of 70.	

This decrease is probably owing in part to the fact, that from the city of New-York, some of the convicts have been sent to the penitentiary of the said city, who would have been sent to this prison but for the act of the Legislature of last winter, which gives to the court before which a conviction shall be had in the said city, in certain cases, a discretion to send the convicts to this prison, or to the penitentiary of the said city. To what extent this discretion has been exercised, we are unable to state. Some years are more abundant in crime than others. The year covered by this report, may have been one in which a smaller number of offences may have been committed than is usual in this prison district. The

discipline of the prison may have become so well known to the criminal part of community, and its efficacy so much dreaded, as to drive them to other places, rather than risk the consequences of a conviction in this district. A more flattering cause for this decrease, and which the Inspectors hope may have been the true one, is a general decrease of crime.

The effect of the Revised Statutes in changing the length of convictions, is now felt at this prison, in the number of those who are now its inmates. During the year ending September 30th, 1833, the number discharged by expiration of sentence was 133. During the year covered by this report, the number discharged from the same cause was 165; a number greater than in the preceding year by 32, although the number of convicts in the prison was less than it was during the preceding year.

This prison contains one thousand solitary cells, all in excellent condition. From the experience of the last two years, we are fully of the opinion that no increase of the number of cells will, for the present at least, be necessary.

The paper annexed, marked D. exhibits the employment of the convicts on the 30th September, 1833. The number employed at the different kinds of business carried on at the prison, varies almost daily, as one species of labor or another is more in demand.

The report of the physician of the prison is hereto annexed, marked E., and shows the health of the convicts for the year, the number of deaths, and the causes which produced them.

The report of the chaplain is also hereto annexed, marked F., which shows the moral condition of the institution.

The persons employed in and about the prison, in superintending and guarding the same, on the 30th of September last, were as follows: One agent, one clerk, one deputy keeper, twenty-one assistant keepers, and twenty-five guards, including the sergeant of the guard. The number has been diminished within the last year. The employment of a greater number of the convicts in the different kinds of manufacturing which is carried on at the prison, reduces the number which would otherwise be employed in the quarries, and of course the number necessary to guard them.

The document which accompanies this report, marked G. contains a list of the female convicts on the 20th of November last. Supported at the expense of the State at Bellevue, under a contract made by the Inspectors of this prison, in pursuance of an authority given by the Revised Statutes, with the corporation of the city of New-York.

The number of female convicts there confined and supported, was, on the said 20th day of November last, 30. On the 20th of November, 1832, the number of female convicts was 36. This class of convicts has diminished six in number during the year.

On the 21st of November last, the Inspectors visited the prison at Bellevue; believing that it appertained to their duty to look to the condition of the female convicts there confined in pursuance of their contract. They are the State convicts, supported at the public expense; and if it is not the duty of the Inspectors of this prison to see to their treatment, and the manner in which they are kept, they would seem to be placed in a situation, by the operation of the contract for their support, without the supervisions of any persons to redress their grievances, or to whom complaints could be made, in case the treatment they received should render complaint necessary. This remark is made in consequence of the opinion expressed by the Comptroller, that for this service the Inspectors are not entitled to any compensation. The Inspectors, supposing it to be their duty, have given such attention to the situation of these convicts as they supposed was required from them, and such as they are satisfied the situation of these convicts required.

The female convicts are supported at an expense of one hundred dollars a year for each convict, and wholly beyond the control of the officers of this prison. If they are capable of earning any thing by their labor, which might reduce the expense of their support, we have it not in our power so to direct their employment as to produce such a result. Whatever they do earn, is in the service of the corporation of the city of New-York. Their chief employment is in washing, making and mending clothes, and cooking for themselves.

In the last annual report of the Inspectors of this prison, they remarked in relation to these convicts, and the mode of their confinement, and now repeat the same, that "they are confined in one

room, or on different galleries, but within the same general inclosure. No attempt has ever been made to establish a system of discipline among them. The old, the young, all colors and conditions, are indiscriminately mixed together. The adept in crime is the companion of the novice in guilt. None can be there confined, without suffering in morals from the companions of their confinement. Moral reformation cannot be expected, so long as the present course is pursued with them. Indeed, if any virtuous sentiments linger about the new convict sent to Bellevue, they are sure to be obliterated by the infamy of the character and conduct of those with whom they are associated by their confinement."

The attention of the Legislature has often been called to this subject, and the necessity of a separate prison for female convicts urged with great force. The Inspectors of this prison repeat the recommendation to the Legislature, to provide for this unfortunate and criminal class of community, a different place of confinement; a place which, by the discipline established, shall tend to reform, and not, as in their present condition, lead to inevitable ruin. No doubt is entertained but the same discipline which now subdues and controls the male convict, may be made equally serviceable with the females. Under the charge of a judicious matron, we cannot but believe that great moral reformation may be produced. This consideration alone calls with great force for a change in the mode of punishing female convicts. It is also worthy of consideration to inquire whether the expense to the State would not be diminished by such change.

The keeping of these convicts is considered by the commissioners of the alms-house as a favor accorded to the State, and is not desired by them. They wish the contract terminated, and a different place provided for the confinement of the State convicts. It is true, they do not refuse to keep them, and perhaps will not; but they evince that decided opinion which satisfies the Inspectors that these convicts are kept with much reluctance.

That part of the city prison which is occupied by these convicts, is often wanted, and would be occupied by other criminals, if it was not tenanted by the State convicts. How long the present arrangement may be continued for their confinement at Bellevue, is uncertain. How far feelings of pride, independent of other considerations, should actuate the representatives of the people of the

State, to remove that dependence which we now place on the city of New-York for a prison for the confinement of female convicts, is for your determination.

A convenient site for a prison for female convicts, may be found in the vicinity of this prison; and the Inspectors recommend its occupation for that purpose.

In this recommendation, the Inspectors do not mean to be understood as recommending the building of a prison for all the female convicts which the whole State may furnish. They believe that a prison for female convicts, connected with each of the State Prisons, would be preferable to a single establishment intended for all of that class of convicts which the whole State might furnish. The expense of transporting such convicts to and from the place of confinement, would be much less if there were two prisons, than if there was only one. This class of convicts would be an unpleasant acquisition to any place, after they were discharged. The Inspectors suppose that the objection to having a prison for female convicts located in any city or village, would be obviated by transporting them, when discharged from prison, to the county where convicted.

It would undoubtedly be an unpleasant appendage to either of the State Prisons, to have one for female convicts connected in any way with the present establishments. Such a connection, however, would place the two prisons, one for males and one for females, under the same general superintendence, and would require only the employment of a matron and one or two assistants, in addition to the persons now employed; whereas if one or more prisons for female convicts should be erected at any other place than in the vicinity of the prisons now established, several persons must be employed to guard the same, furnish the necessary supplies and direct the employment of the convicts, adding considerably to the expense which a different location would require. It is also believed that moral reformation would be more likely to attend the efforts of the matron, where her whole attention could be devoted to a few, than if she had the charge of a large number, necessarily dividing her time and diverting her attention. Much influence might also be expected from pious and benevolent ladies, who would interest themselves in this work of reformation; and this influence would be increased in proportion as the prisons were

multiplied and located in different sections of the State, affording to pious zeal a field for its exercise.

The commissioners for building this prison, in a report which they made to the Legislature in the year 1880, estimated the expense of a prison for female convicts, to which we would beg leave to refer. That estimate, however, was made upon the supposition that one prison only should be erected in the State for this purpose.

During the last year, there has been erected on the west end of the south wing of the prison, a wooden building for a store-house, 120 feet long, 40 feet wide, and one and a half stories high. A workshop of solid stone masonry has also been erected on the north end of the prison, 135 feet in length, the rear wall 30 feet high, and enclosing thereby a part of the prison yard; the rear wall is coped, and the building flagged with marble; the whole contains 15,760 cubic feet of stone masonry. A barn has also been erected, 32 feet long, 18 feet wide, and one and a half stories high; the walls of which are of solid stone masonry, and contain 2,640 cubic feet. Walls of solid stone masonry, necessary to protect the yard and prison from the wash of the hill above, have also been erected, which contain 2,730 cubic feet, a part of which is coped.

The quantity of cut stone used in these buildings, amounts to 21,130 cubic feet. At the price for which such stone has been sold at the prison for the last year, the same would amount to \$4,226.

On an average for five months during the year, 45 convicts have been employed on these buildings, the expense for whose support has gone into the general account of expenditures for support. If the value of the labor and the materials used in erecting these buildings was credited to the prison, it would show a result much more favorable than that which is produced without such credit.

An additional extent of workshops will be required the ensuing year; and it is intended to erect them of stone masonry, as they may be wanted, and as means are acquired to erect them.

The earnings of the convicts, it is believed, will be sufficient the ensuing year to defray the expenses of the establishment, and also of erecting such buildings as may be necessary for the convenient operations of the prison.

In the last annual report of the Inspectors, a statement was made, showing the amount of money which was due to the corporation of New-York for the support of female convicts, and the probable amount which would be required for their support for the then ensuing year; which, with a claim then existing against the prison for lumber and materials supposed to be necessary for contemplated buildings, were estimated at \$11,472.78. The several sums making that amount were not immediately connected with the support of the convicts; and it was supposed that if that amount was provided by the Legislature, the earnings of the convicts would defray the expenses of the establishment. The opinion then expressed, has been fully realized. That claim for lumber, and the expense for other materials used in building, have been paid for during the year out of the surplus earnings of the convicts.

At the close of the fiscal year, a large amount was due to the corporation of New-York for the support of the female convicts. The balance of monies then in the hands of the agent of the prison, amounted to \$4,540.86. That balance, with other monies subsequently received, have been applied to the payment of the debt due the corporation of New-York; and it has been so far reduced, that on the 20th of November last, the sum then due amounted to \$1,572.23.

The application of the available funds in the hands of the agent to the payment of this debt, does not strictly fall within the period covered by this report; but the Inspectors believed that this information would be necessary to a full understanding of the concerns of the prison.

That the earnings of the convicts for the ensuing year will be fully adequate to the expenses of the support of the institution, we have no doubt. We hope also that the surplus earnings will be sufficient wholly to pay for the support of the female convicts, and procure such materials as may be necessary for the buildings intended to be erected. We have so much confidence in the assurances of the agent on this subject, that we forbear to ask of the Legislature any appropriation for the support of the female convicts at Bellevue, or for aid in the construction of such buildings as may be necessary.

If, however, disease like the cholera of last year should visit the establishment, or the labor of the convicts for any cause be less productive than during the present year, we may fall far short of accomplishing what now appears to be within the reach of probability.

The paper hereto annexed, marked H. contains an inventory of the property belonging to the prison on the 30th day of September last.

The paper marked I. contains a list of contracts for marble made by the agent since 30th September, 1832, and before 30th September, 1833.

The paper marked J. contains a list of convicts who have been pardoned within the year ending 30th September, 1833.

The paper marked K. contains a list of the convicts who have died within the year ending 30th September, 1833.

The papers marked from No. 1 to No. 12 inclusive, contain copies of the monthly accounts of the agent of the prison, which have been furnished to the Inspectors by the clerk of the prison.

The paper marked L. contains a list of the convicts who have been discharged from the prison by the expiration of sentence, from the 30th September, 1832, to 30th September, 1833.

The Inspectors would call the attention of the Legislature to the situation of the State Prison in relation to some lands which adjoin it. The State farm is narrower on the river than it is on the hill a little distance from it. In passing from the prison to one of the best quarries on the farm, the road crosses land which does not belong to the farm. This road is in the best situation to facilitate the stone business. It is deemed a matter of some consequence that a few acres should be annexed to the State farm, on its southern border, and adjoining the river. It is presumed that this might be acquired by purchase, or by exchanging some of the State lands remote from the river for it, and which are useful only for agricultural purposes, having upon them no marble. No power exists in the Inspectors, or the agent, to effect such an arrangement. Perhaps a power to make such an arrangement, given to the Inspectors or to the agent, subject to the approbation of the Attorney-General or the Commissioners of the Land-Office, might be safely conferred.

The immense quantity of marble which is found on the State farm, was a great, and probably a controlling reason for the selection of this site for a prison, under a belief that the convicts could be profitably employed in preparing it for market. The quarries, at different times, have presented discouraging indications. Sometimes the quality of the marble is indifferent; sometimes a whole quarry seems to be exhausted; sometimes the difficulties in quarrying the stone afford formidable obstacles to the successful prosecution of this business. At present, however, the quarries appear quite as well as on any former occasion, and offer strong inducements for continuing a great proportion of the convicts at this employment.

During the past year, a greater number of the convicts has been employed in the different mechanic arts than in any preceding year, and it is believed with quite as much advantage to the institution as if they had continued in the quarries, and at cutting stone. A diversion of a part of the convicts from the stone business, has reduced the quantity of work produced for sale, so near to the demand for it, that it evidently fetches a better price in the market than it has formerly done.

The introduction of various kinds of business enables the agent so to direct the employment of the convicts, that all may work to advantage, and on work that commands a ready sale, and not in the production of a single article, till the quantity overstocks the market and compels a sale at a sacrifice.

The annexed paper marked D. shows the different kinds of mechanical work which is carried on at the prison.

So far as the Inspectors have been able to observe, they are satisfied with the conduct of those who have the immediate care of the prison and its inmates. Nothing has come to their knowledge, calculated to detract from the character of those officers as vigilant and faithful sentinels. They have the charge of a desperate set of men, whose liberty endangers the peace of society. Great energy and decision are necessary to control and govern such reckless spirits. That the discipline may sometimes be thought severe by those who have only associated with the virtuous and humane part of community, is not surprising. The severity of the discipline is only felt by those who violate the rules of the prison. When they enter, they are instructed in the rules by which they are to be

governed. The punishment which they receive, is measured by their election. They violate the rules, and are punished; or submit to them, and escape it.

Hard labor is the sentence of the law, and they are not permitted to be idle; neither are they so much and so grievously borne down by hard labor as to injure their health or constitution. This is evident from the healthy condition of the convicts, and is apparent to all who witness their appearance. Men whose appearance presents such unfailing indications of good health, cannot be worked to excess, or stinted in the allowance of food. The ration furnished to each convict per day, is as follows: 16 ounces prime beef or shin beef without bones, or 12 ounces prime pork; 8 ounces inspected rye flour; 12 ounces of sifted indian meal, and half a gill of molasses; and to every 100 rations, four quarts of rye in the grain, two quarts of vinegar, two ounces of pepper, and three bushels of potatoes, for ten months in the year; and for two months, from 15th June to 15th August, 40 pounds of rice to every 100 rations. The Inspectors have caused the food which is furnished to a convict for a single day, to be weighed; and its weight, when prepared for his use, is six pounds and nine ounces.

To the ration as above specified, additions are made to gratify and to satisfy the appetite of some of the convicts who are unusually large eaters. On an average, about fifty extra rations are issued daily. The number of extra rations is increased or diminished, as the wants of the convicts seem to require. It is our direction that they shall be fed to the extent of their wants, but that nothing be lost by an excess which they cannot consume.

In the manner of feeding the convicts which is practised at this prison, it is impossible so to divide the amount of provisions for the day, among the whole number of convicts, as to give precisely a ration to each. So far as this can be done, it is believed to be practised. If a perfectly equal division could be made, it would not be likely to give entire satisfaction; for the wants of each convict are not supplied by a precisely equal quantity of food. To avoid this cause of complaint, it will be necessary to change the mode of feeding the convicts, by erecting a mess-house, and having them all eat at a common table, when the wants of large eaters may be supplied from the quantity which the small eaters do not consume. Whether this change will be made, is not yet determined.

It seems to be the only mode to remove that cause of complaint which has been so generally urged as the chief ground of censure, that of starving the convicts.

The Inspectors have indulged in some detail in relation to the rations for the convicts, and the discipline of the prison, that your honorable body may the better judge of the correctness of complaints which are often promulgated by those who are unacquainted with the facts, or disposed to pervert them.

PIERRE VAN CORTLANDT,
JOHN FISHER,
WALKER TODD,

Inspectors.

*Inspectors' Office, State Prison,
Mount-Pleasant, Dec. 19, 1833.*

DOCUMENTS

Accompanying the Report of the Inspectors of the Mount-Pleasant State Prison.

(A.)

*Annual statement of Receipts and Expenditures for the fiscal year,
ending 30th September, 1833, made at the Mount-Pleasant State
Prison, by Robert Wiltse, Agent.*

DR. ROBERT WILTSE.

To monies received and from what sources.

- From Tailors' and weave shop,.....	\$813 18	
locksmiths' shop,.....	7,782 33	
prison offals sold,.....	65 00	
blacksmiths' shop,.....	5,424 04	
coopers' shop,	4,906 06	
quarries and stone shop,	42,818 24	
shoemakers' shop,.....	5,034 95	
hat-makers' shop,.....	206 60	
rents of house and farm,	498 25	
		<hr/>
		\$67,548 65

CR.

By monies expended and for what purpose.

Apprehension of convicts,	\$63 25	
Agent, clerk and keepers,	13,088 86	
Blacksmiths' shop,	1,467 40	
Building,	2,969 35	
Travelling and incidental expenses,	101 75	
Furniture,	242 60	
Clothing,	5,923 68	
Convicts discharged,.....	415 00	
Chaplain,	450 00	
Coopers' shop,.....	198 01	
Freight account,	831 44	
Hospital,.....	720 72	
House and farm,	44 00	

Carried forward,..... *

(B)

Jan.	"	D. & J. Bailey, paint, oil, &c.	38	66
	"	Henry Harris & Co. nails, &c.	56	92
Feb.	"	Green & Wetmore, nails, screws, &c. ..	26	12
March,	"	John Groshon, sash fastenings,	1	75
	"	Jeremiah Chichester, timber,.....	1,269	98
	"	John Agate, brick,	5	38
April,	"	Wm. H. Brewster, 4 casks lime,.....	4	50
May,	"	J. G. Pierson & Co. nails,	54	47
	"	Moses Stanton, oak plank,.....	10	24
June,	"	D. & J. Bailly, and T. Bailly, boards, &c.	63	51
	"	Jesse Bishop, posts,	7	38
July,	"	Henry Harris & Co. nails, screws, &c. .	50	78
	"	Henry McChesney, plank,	22	50
Aug.	"	" " "	50	73
	"	Gilbert Canniff, labor with oxen,	14	00
	"	Israel Hammond, sundries,	33	75
Sept.	"	Thomas Steers, shingles,	68	44
	"	H. Eldredge & Co. lead, iron, &c.	156	80
	"	Thomas Bailly, boards, plank, &c.	92	64
	"	six months services to master mason, Oliver Wescoatt,.....	200	00
	"	Thomas Steers, boards and plank,	206	72
			<hr/>	
			\$2,969 35	

(C.)

*Number of convicts confined in the State Prison at Mount-Pleasant,
30th Sept. 1833.*

Remaining in prison 30th Sept. 1832,	832
Received from 30th Sept. 1832, to 30th Sept. 1833, ...	219
	<hr/>
Making,	1,051
Discharged during same period by expiration of sen-	
tence,	165
Died,	25
Discharged by pardon,	50
	<hr/>
	240
	<hr/>
Leaving in prison, on 30th Sept. 1833, .	811
	<hr/>

ROB. WILTSE, *Agent.*

(D.)

Employment of prisoners.

Convicts confined in this prison, were employed on the 30th Sept. 1833, on work as follows:

	At work for sale.	Unemployed or at work for State.
Locksmith shop,	40	
Blacksmith shop,	37	19*
Coopers' shop,	162	
Shoe-makers' shop,	90	9
Weave and tailors' shop,	18	38
Hatters' shop,	11	
Stone shops,	174	
Laborers in coopers yard,	22	
" front yard,	15	
North and south quarries,	76	
Cooks, bakers and washers in kitchen,		18
Masons, stone cutters and laborers at prison buildings,		45
Waiters, &c. in prison hall,		15
Sick and lame in hospital,		20
Waiters in hospital,		2
	<hr/>	<hr/>
	645	166
		645
		<hr/>
Total,		811
		<hr/>

* *At work for other shops.*

Most of the above mechanical branches, except stone cutting, have been but recently commenced, and a larger proportion of the men employed on them are apprentices.

ROB. WILTSE, *Agent*.

(E.)

To the Inspectors of the Mount-Pleasant State Prison, the Physician

RESPECTFULLY REPORTS:

That the number of sick in the hospital and the character of the diseases has not differed materially from previous seasons, except the cholera of last season. Twenty-three have died from sickness during the year, and two by suicide, viz:

William Moon, received in prison June 14th, 1831; died October 3d; disease, dropsy; age, 23 years.

Robert Lang, received December 20th, 1831; died October 6th; disease, consumption; age, 22.

John Ward, received April 19th, 1828; died November 21st, from diseased liver; age, 23.

Abraham Simmons, received January 12th, 1830; died November 30th; disease, internal abscesses; age, 24.

Henry Hubble, received February 12th, 1832, in bad health at the time of his reception; died November 30th; disease, consumption; age, 24.

Joseph Phelps, received January 9th, 1830; died November 4th; disease, typhus fever; age 28.

David Graham, received February 12th, 1830; died November 22d; disease, consumption; age, 18.

George Hine, received September 14th, 1832; died November 22d; disease, inflammation of the intestines; age, 20.

Thomas Reynolds, received July 11th, 1831, in the incipient stages of consumption, from which disease he died December 16th; age; 27;

John Ryan, received January 22d, 1833; much diseased at the time of admission; died on the 26th; disease, epilepsy.

William Self, received in bad health, November 21st, 1831; died March 4th; had been a long time previous to his admission afflicted with the disease, of which he died.

Alfred Carpenter, received April 9th, 1831; had been for several months afflicted with disease of the lungs; died of consumption, April 4th; age, 30.

William Fitz, died October 7th; disease, dysentery; age, 35.

Abraham Mingus, received September 24th, 1832; died April 17th; disease, small pox; age, 27.

William Budle, received September 23d, 1829; died May 6th; disease, consumption; age, 30.

Thomas Riley, received in bad health, May 13th, 1832; died May 29th; disease, dropsy of the chest.

Jason Green, received January 17th, 1833, in the first stage of consumption, from which he died August 5th; age, 19

John Smith, alias Solomon Brown, received September 10th, 1832; much diseased at the time of admission; died August 30th; disease, dropsy; age, 26.

Abraham B. Ten Eyck, received in bad health March 26th, 1833; died September 9th; disease, dropsy; age, 63.

Smith Caturit, received June 10th, 1831; died July 29th; disease, consumption; age, 22.

William Tucker, received September 21st, 1829; died September 28th, from organic disease of stomach; age, 53.

John Singleton, received February 12th, 1830, in bad health; died September 25th; disease, consumption; age, 30.

George Williams, received September 30th, 1830; much reduced by disease; died from consumption, September 26.

Andrew Little, received October 12th, 1830; had frequent attacks of epilepsy; committed suicide January 2d, in a paroxysm of mental derangement.

Philip Rose, received June 18th, 1833; committed suicide July 10th.

A. K. HOFFMAN.

Mount-Pleasant State Prison, }
September 30th, 1833. }

(F.)

Report of the Chaplain.

The moral department of the prison, concerning which it is my business to report, as far as I am able to discern, is in about the same *general state* with that of the former year. Those, who in time past evinced deep humiliation and entertained the hope of divine forgiveness, have in the progress of the last year, given additional and confirming evidence of the sincerity and reality of their reformation; while others, who have hitherto remained insensible and unmoved, seem to have had their eyes opened to behold their vileness and their guilt. As an example of this, out of several that might be mentioned; permit me briefly to state, that about two years ago, I met with a man of *openly and strongly avowed infidelity*; which by the way, is, to my surprise, a rare occurrence here. He was a man of considerable intellect, and very well versed in the ordinary infidel arguments; he could travel from, what he supposed to be, one discrepancy in revelation to another, and shew the unreasonableness of some of the doctrines and divine doings as there recorded, with great promptness and ease. I indulged him in a free and protracted conversation; and after making an appeal to his conscience, with some advisory remarks, I left him. Some five or six months after I came in contact with him again; when I said but a few words to him and passed on, as if to converse with him was a

useless consumption of time. After about the same length of time I met him again; dropped a few words and passed on. Not quite a year ago in passing along, I very unexpectedly came across the same man; immediately recognizing him, I addressed him, "Well sir, are you inclined to give any more credit to the bible than formerly?" *He hesitated*, and expressed in his countenance the strongest emotion. Again, I asked him, if he *now* considered the bible a precious gift of God to fallen sinners? "Oh yes;" said he, with tears trickling down his cheeks, "*I never knew any thing about that book before.*" I stood and looked at him in silence. I asked his name; he told me the same as before. Melted down from a *proud, conceited, stout hearted* transgressor, to a weeping penitent. "Ah," said he, my mind was so full of Tom Paine, Voltaire, and such other writings, that I had no room when I first came here for this blessed book."

I have recommended to these men, what is commonly called the "verse system," which contemplates the committing to memory a verse of scripture every day, and every man learning the same verse on the same day, and making it a subject of reflection during the day. This I have reason to think is extensively observed. And on sabbath evening it has been my practice to make these *seven committed and studied verses*, the subject of lecture. Since my connection with this institution, in the religious exercises of the week, I have attempted in my feeble way, to expound in order or course every portion of the new testament, and have now reached near the close. And if God has blessed any one religious effort more than another, I think it has been this.

Our Sunday school never presented a more interesting and promising aspect than it does at the present time. It consists of about one hundred men, chiefly of those who are unable to read, and there is a very gratifying proficiency. Many have not only learned to read the scriptures, but are now capable of making a selection from them in proof of some important doctrine, which they recite from memory as a part of the exercises of the school. Much commendation is due to the benevolence and fidelity of several of our citizens, for the important aid they have contributed in this work.

The moral effect produced and brought to light, in the future conduct and history of many of these men on mingling again with the world, is a sufficient ground of encouragement to perseverance. From some I have heard. *Some I have seen*; and I have only again to express my regret that there are no better means to obtain a more accurate and extensive knowledge of the benefits resulting to the country at large, as the best test of the *efficiency and worth* of any of its institutions.

JONATHAN DICKERSON,

December 1st, 1833.

Chaplain.

-Nov. 20, 1

		<i>Date of Sentence</i>	<i>Remarks.</i>
1..	Sept.	5, 1832	July 26, 1833.
1..	June	17, 1832	July 26, 1833.
1..	Oct.	13, 1832	
1..	Aug.	7, 1832	
1..	July	18, 1832	
1..	Oct.	3, "	July 26, 1833.
1..	Mar.	19, 1831	
1..	April	11, "	
1..	June	18, "	expired, June 18, 1833.
1..	Sept.	7, "	do Sept. 7, 1833.
1..	"	17, "	do Sept. 17, 1833.
1..	Oct.	7, "	do Oct. 7, 1833.
1..	"	15, "	do Oct. 15, 1833.
1..	Nov.	19, "	do Nov. 19, 1833.
1..	Dec.	12, "	
1..	"	12, "	
1..	"	14, "	
1..	Jan.	14, 1831	
1..	"	17, "	
1..	Feb.	17, "	
1..	April	11, "	
1..	Dec.	6, "	
1..	June	2, "	
1..	"	8, "	
1..	"	11, "	
1..	"	15, "	
1..	Oct.	2, "	
1..	"	2, "	
1..	"	11, "	
1..	"	24, "	
1..	Nov.	10, "	
1..	Feb.	6, 1831	
1..	"	7, "	
1..	June	14, "	
1..	Aug.	14, "	
1..	"	14, "	
1..	Sept.	9, "	Sept. 13, 1833.
1..	Oct.	19, "	
1..	Nov.	14, "	
1..	"	16, "	

30 Prisoners.

(H.)

Inventory of Property belonging to the State Prison at Mount-Pleasant, as taken the 30th September, 1833.

Bedding, mostly in use,	\$5,812 25
Library and bibles, mostly in hands of convicts,	595 70
Prison, hall, and hospital furniture,	1,198 97
Hospital stores and medicine,	225 00
Office and Inspectors' room furniture,	133 00
Quarries, stone shop, tools, trucks, carts and barrows,	4,848 10
Coopers' shop, tools, &c.	1,078 47
Shoemakers' tools,	828 71
Lock shop, tools, and stock on hand,	3,389 51
Blacksmiths' shop, tools and stock,	2,069 99
Carpenters' tools,	286 62
Kitchen furniture, and hall stoves,	802 69
Tailors' shop, tools,	59 10
Clothing and materials not in use,	4,483 02
	<hr/>
	\$25,811 13
	<hr/>

Westchester County, ss.—Robert Wiltse, agent of said prison, and John Sing, clerk of the same, depose and say that the preceding inventory is correct and true in every respect, according to their knowledge and belief; and further saith not.

JOHN SING,
ROB. WILTSE.

Subscribed and sworn, this
26th day of Nov. 1833,
before me,
A. GRAHAM,
Commissioner of Deeds.

(I.)

Contracts for furnishing Marble, made by the Agent, from 30th September, 1832, to 30th September, 1833.

Contract with Thomas Thomas, architect, for Aaron Arnold, for marble trimmings for three houses, for 600 dollars. Contract finished, and amount paid.

Dudley Selden, for two ends of ashler, rail fence coping, window sills and lintels. Amount to 800 dollars; finished, and due in 30 days.

Morgan Lewis, chairman, and Archibald Maclay, secretary of New-York University, for marble ashler and ornamental work for the University. Contract dated 24th April, 1833; to be finished in the fall of 1834. Second quality of cut ashler at 40 cents; moulded course, at 10 shillings per foot running measure; window sills and lintels, 10 dollars each. Will amount, when done, to about 20,000 dollars. Nothing paid on account; the first payment will be due in 30 days.

Elisha Bloomer, for fronts of two houses; Ionic columns, caps and bases. Amount 5,500 dollars; to be finished by 1st May, 1834. Nothing paid on account.

Peter I. Bogert, for marble front and side, basement, antiques, &c. for Baptist Church in Amity-street, N. York. Amount 4,268.50 dollars. Contract finished, and 2,000 dollars paid on account.

Ira Tompkins, for marble abacus, antique caps, &c. for Second Presbyterian Church in Brooklyn; to be finished by 1st November, 1833. Will amount to 1,200 dollars. Nothing received on account.

Contract with Martin E. Thompson, for ashler for Navy Hospital at the Wallabout, at fixed prices per foot superficial measuring when done; to be furnished at the rate of 1,000 feet per week after 1st March next, until the building is completed. Will amount to about 8,000 dollars. Nothing paid on account.

In addition to the above, numerous small orders for marble have been executed, for which I have not had written contracts.

I believe all of the above mentioned contracts will be finished as agreed upon, and within the time specified.

ROB. WILTSE, *Agent.*

October 2, 1833.

LIST of Ant-Pleasant, from the 20th of

NA Sentenced.	When Pardoned.
Best, David, . p, 1831,	1 December, 1832.
Barber, David, 1830,	9 February, 1833.
Birge, Ephraim "	9 " "
Buckbee, Oliver, 1831, ..	13 July, "
Barton, George, 1832,	18 " "
Barnes, John, il, 1833,	31 " "
Corbin, William, 1829, ..	18 February, "
Corson, John, 1829,	18 July, "
Day, Samuel, 1830, ..	2 April, "
Darlin, Edward, 1833,	19 " "
Darlin, Thomas, "	19 " "
Dunham, Alberil, 1828,	11 July, "
Dunn, Lewis, 1831, ...	18 " "
Davenport, Jan, "	18 " "
Dunn, James, 1832,	21 " "
Day, Henry, 1822,	7 August, "
Grosvenor, Sch, 1830, ..	4 November, 1832.
Griffin, Caleb, 1830, ...	16 May, 1833.
Gregory, Geory, 1832,	4 July, "
Holden, Thomrch, 1822,	30 " "
Hampton, Beny, 1821,	13 November, 1832.
Johnson, Thom, 1831, ...	13 " "
Johnson, Edw, 1830, ...	16 May, 1833.
Johnson, Jamech, 1831,	28 July, "
Livingston, Savem, 1821, ..	13 November, 1832.
La Grange, Jac, 1830,	26 March, 1833.
Looney, Patric, 1823,	30 July, "
Marshall, Samy, 1832,	1 January, "
Moore, William, 1832, ...	9 February, "
Moore, Russel, "	9 " "
Manney, Richail, 1827,	24 September, "

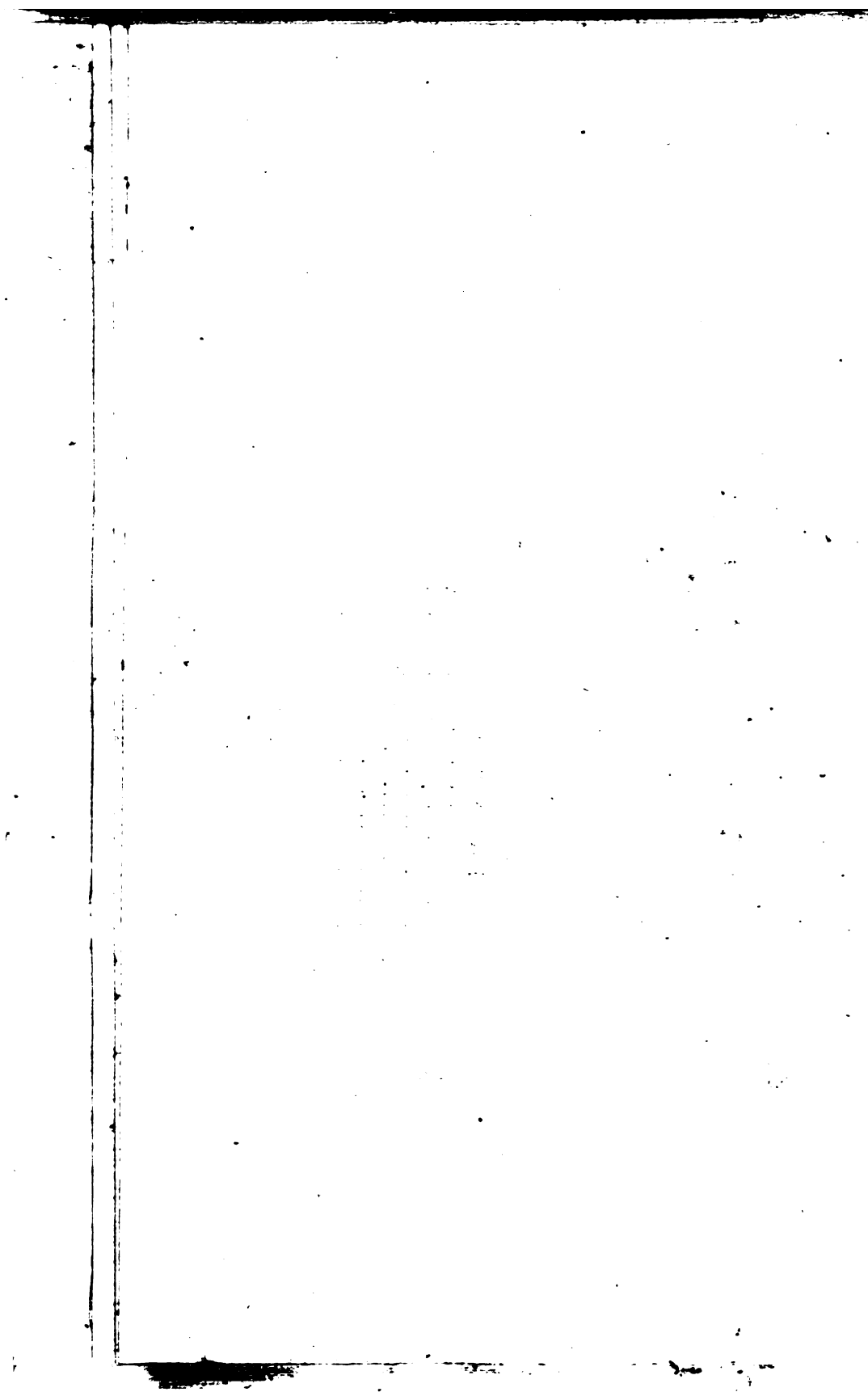




Who had 0th September, 1832, to

	<i>When died.</i>		<i>Remarks.</i>
Bedle, William	May	7, 1833.	Ran away from sheriff and was not retaken and received in pri- son until Sept. 1829.
Carpenter, A	April	4, 1833.	
Caturis, Smit	July	29, 1833.	
Fitz. William	October	7, 1832.	
Graham, Dav	November	21, 1832.	
Green, Jason	August	5, 1833.	Drowned himself.
Hine, George	November	4, 1832.	
Hubble, Hen	December	1, 1832.	
Keily, Thom	May	29, 1833.	
Lang, Rober	October	6, 1832.	
Little, Andre	January	2, 1833.	
Moore, Willi	October	2, 1832.	
Mingus, Abri	April	17, 1833.	
Phelps, Jose	November	4, 1832.	
Reynolds, T	December	16, 1832.	
Ryan, John	January	27, 1833.	
Rose, Philip	July	10, 1833.	
Simmons, Al	November	20, 1832.	
Self, William	March	4, 1833.	
Smith, John	August	30, 1833.	
Singleton, J	September	25, 1833.	
Ten Eyck, A	September	9, 1833.	
Tucker, Wil	September	18, 1833.	
Ward, John	November	20, 1832.	
Williams, G	September	24, 1833.	

[S



(No. 1.)

*Monthly account current, October, 1832.*Robert Wiltse, Agent of the State-Prison at Mount-Pleasant, in
account with the State of New-York.

1832.

DR.

Sept. 30.	Balance due,	\$4,254 95
Oct. 1.	C. & Amboy R. R. Company, on ac. for blocks and rubbles,	2,000 00
20.	Seth Geer, on ac. of contract,	1,000 00
25.	Cam. & A. R. R. Comp'y on ac. blocks, &c..	3,000 00
30.	Seth Geer, on ac. contract,	1,000 00
	Mark Yale, for 1 stone,	5 00
10.	Mrs. Van Wart, weaving,	1 63
	Henry Stogdill, balance of ac.	124 81
16.	Captain Whetten, on ac. Sailor's Snug Har- bor,	1,000 00
		<hr/>
		\$12,386 39
		<hr/>

1833. Oct. 31. Balance brought down, \$4,904 25

1832.

CR.

No. of vouchers.

Oct. 1.	1	George Gritman, expenses to place con- viction,	\$2 00
	2	Timothy Gill, ex. to place of conv'n,...	3 00
	3	M. & W. Armstrong, leather and thread,	156 48
	4	Jas. & Geo. Brooks & Co. do	134 28
	5	J. W. Pitcher, copper,	180 25
	6	Barron & Pride, oil,	144 00
	7	David Lawrence, ex. to place of conv'n,	1 00
	8	Gilbert Canniff, labor with oxen,	49 00
	9	Charles Constantine, ex. to place of con.	2 00
	10	Hinton & Moore, varnish,	4 00
	11	Stogdill & Mott, leather and awls,	75 37
	12	Smith & Loomis, powder,	166 25
	13	Peter Winne, ex. to place of conviction,	1 00
	14	Charles Blake, do do	2 00
	15	John Wilson, labor with oxen,	48 75
	16	William Wright, ex. to place of conv'n,	2 00
	17	Geo. B. Deighton, do do	1 00
	18	James Grimes, do do	2 00
	19	Daniel Lane, do do	1 00
	20	John Milligan, do do	2 00
	21	John Fox, do do	1 00
	22	Alexander Belton, do do	1 00
	23	Robert K. Foster, postage,	13 89
			<hr/>

Carried forward, \$

Brought forward,....\$

<i>No. of vouchers.</i>			
Oct. 18.	24	Wm. J. Van Tassell, timber,.....	\$15 40
	25	Thomas Western, ex. to place of conv'n,	1 00
20.	26	Thornton & Moore, glass, &c.....	46 75
	27	Thomas Bailey, plank, &c.....	263 02
22.	28	Robert Canniff, milk,.....	7 64
	29	P. H. Schenck, cotton yarn,.....	1,969 00
27.	30	Parmelle & Elsworth, oil,.....	193 50
	31	Harmon Eldredge, flour and screws, ...	28 14
	32	J. G. & J. Nelson, meat for hospital, ...	36 70
	33	Amerman & Westervelt, Indian meal, &c.	187 43
	34	do do 1 mo. provision,	1,794 00
	35	Wm. H. Brewster, flour and sundries,..	18 25
	36	Agent, Clerk, Keepers and guard, 1 mo. services,	1,895 78
	37	R. Wiltse, bill of expenses,.....	372 26
		Balance charged below,	4,904 25
			<hr/> \$12,386 39 <hr/>

ROBT. WILTSE, *Agent.*

PRISON, MOUNT-PLEASANT, }
 18th Febr'y, 1833. }

WESTCHESTER COUNTY, ss.

Robert Wiltse, Agent, and John Sing, Clerk, of the State-Prison at Mount-Pleasant, being duly sworn depose and say, that the preceding account is correct and true in every respect, according to the best of their knowledge and belief—and further saith not.

ROBT. WILTSE,
 JOHN SING.

Subscribed and sworn, this 28th day of }
 February, 1833, before me, }
 A. GRAHAM, *Com. of Deeds.*

(No. 2.)

Monthly account current, November, 1832.

Robert Wiltse, Agent of the State-Prison at Mount-Pleasant, in account with the State of New-York.

1832.

DR.

Oct. 31.	Balance due,	\$4,904 25
Nov. 12.	Thomas Steers, mending chain cable,	0 38
	do do do anchor,	1 50
	do do do leeboard,	0 38
	do do do water cask,	0 25

Carried forward,....\$

		Brought forward,....\$	
Nov. 12.	N. S. Prime, work in smith's shop,	\$17	88
	N. S. Prime, making 2 coats, &c.	3	98
	William Henry, bank vault,	165	00
15.	Caleb Rosede, mending composing stick, ...	1	25
9.	Capt. of Scow Beaver, 80 tons stone,	40	00
	Isaac Terboss, 4 plinths,	5	00
	Andrew Brady, for stone,	90	00
21.	L. H. Halsey, marble, bal. of ac.	262	64
30.	Joseph Garey, making shoes,	638	82
	Henry Stogdill, do	59	00
	J. & H. Sanford, marble chips,	35	75
		<u>\$6,225</u>	<u>43</u>
Balance brought down,		<u>\$1,324</u>	<u>84</u>

1832.

CR.

		No. of vouchers.	
Nov.	1.	38 Boorman, Johnson & Co. iron,	\$66 37
	2.	39 Richards & Chamberlin, lime and hair, ..	11 53
	4.	40 Peter B. Lynch, Indian meal,	67 97
		41 Schuyler Grosvenor, ex. to place conv'n,	3 00
6.	42	Ezra Floyd, do do	2 00
	43	Charles Reed, do do	2 00
	44	Moses W. Collyer, bread for hospital, ..	2 19
7.	45	Caleb Borese, advertising, &c.	18 55
	46	Enoch Crosby, jun. carriage hire, &c. ..	44 50
12.	47	Thomas Steers, freight,	136 38
13.	48	Thomas Brundage, ex. to place of con... ..	1 00
	49	Thomas Linton, do do ..	1 00
	50	Daniel Halsey, do do ..	1 00
	51	Peter Day, do do ..	1 00
	52	Samuel Livingston, do do ..	5 00
	53	Ben. Hampton, do do ..	2 00
	54	Thomas Johnson, do do ..	2 00
15.	55	John Callaghan, do do ..	2 00
	56	Augustus Nash, do do ..	2 00
16.	57	Prince Johnson, do do ..	2 00
	58	John Ryan, do do ..	2 00
17.	59	Peter Rockett, do do ..	3 00
	60	Joseph Riley, do do ..	1 00
19.	61	Smith & Loomis, powder,	346 50
	62	W. Garrison, spokes,	4 38
	63	Ira F. Freeman, adv'ing in N. Y. Stand.	2 94
22.	64	Croswell & Van Benthuyssen, do Argus,	9 63
26.	65	Wm. J. Van Tassel, oak timber,	12 84
27.	66	Horace Lane, ex. to place of conviction,	2 00
	67	Thomas Bailey, lumber,	208 88

Carried forward,....\$

Brought forward,....\$

<i>No. of vouchers.</i>		
Nov. 27. 68	Ferdinand L. Wilsey, combs,	\$9 00
30. 69	J. C. Arthur, Atty, one month's provision,	1,787 99
70	Agent, clerk, and keeper, 1 mo. services,	1,939 94
71	Jesse Bishop, cartage, hay, &c.....	202 00
	Balance charged below,	1,324 84
		<hr/> \$6,225 43 <hr/>

ROBERT WILTSE, *Agent.*

STATE-PRISON, MOUNT-PLEASANT, }
 18th Febr'y, 1833. }

WESTCHESTER COUNTY, ss.

John Sing, Clerk, and Robert Wiltse, Agent, of the State-Prison at Mount-Pleasant, being duly sworn depose and say, that the preceding account is correct and true in every respect—and further saith not.

JOHN SING,
ROBERT WILTSE.

Subscribed and sworn, this 28th day of }
 February, 1833, before me, }
 A. GRAHAM, *Com. of Deeds.*

(No. 3.)

Monthly account current, December, 1832.

Robert Wiltse, Agent of the State-Prison at Mount-Pleasant, in account with the State of New-York.

1832.

DR.

Nov. 30.	Balance from old account,	\$1,324 84
Dec. 1.	Camd. and Am. R. R. Company, rubbles and block,	2,000 00
6.	B. W. Tunstall, tailoring,	30 00
	Henry Stogdell, making shoes,	22 00
10.	Henry Stogdell, do	47 00
13.	Albany alms-house, cooking tubs,	14 00
	Hermans, Rathbone & Co. latches, hooks, &c.	78 78
	John Townsend, ac. corporation Albany, ...	2,500 00
	do Albany, bal. ac.	422 76
15.	N. Griffiths, scrap iron,	29 45
21.	Capt. Dayton, 60 tons stone,	32 50
24.	Gilbert Canniff, iron work,	2 50
31.	Danl. Kinney, hinges, locks, &c.	133 50

Carried forward,....\$

Brought forward,.....\$	
City New-York, Record office,.....	3,000 00
Francis Olmstead, marble,	1,200 00
	<hr/>
	\$10,827 33
	<hr/>
Balance brought down,.....	\$5,411 25
	<hr/>

1832.

CR.

<i>No. of vouchers.</i>	
Dec. 1. 72	David Best, ex. to place conviction,.....
73	D. & I. Townsend, 30 doz. buck-mittens, .
74	David Felt, stationary,
75	George Mennedy, milk for hospital,.....
76	Pomp Mills, ex. to place conviction,
77	Benj. do do
78	Talmage & Van Pelt, tea and sugar,
79	J. & J. Cox, lamp,.....
80	R. D. & H. C. Hart, steel pens,.....
81	John Benson, copper and tin,
82	T. Brett, flour, &c.....
83	Henry Worrall, truck boxes,.....
84	Isaac Hunt, carting stone,
85	A. L. Ackerman, grindstones, &c.
86	John Agate, 13,000 brick,
87	Peter Kennedy, ex. to place conviction, ..
88	Martin De Camp, do do ..
89	John Meyers, freight, coal,
90	Joseph Garey, leather,
91	John Thompson, ex. to place conviction,
92	Martin Williams, do do
93	Columbus Wood, do do
94	John R. Powers, do do
95	Richard Smith, do do
96	Edward Kettletass, do do
97	David Layden, do do
98	Joshua Travin, do do
99	George Collins, do do
100	Edward Riley, do do
101	William H. Williams, do do
20. 102	Samuel Meyers, do do
103	Tuttle Dayton, freight of coping,.....
104	Harmon Eldredge, screws,
21. 105	Lewis H. Russell & Co. pot ashes,.....
106	Gilbert Canniff, carting marble,.....
27. 107	Robert McCulloch, ex. to place conviction,
108	John Hinchman, do do
31. 109	Arthur Merritt, one month's provision,...
110	Agent, clerk, and keepers, 1 mo. services,.

Carried forward,.....\$

Brought forward,....\$

<i>No. of vouchers.</i>	
Dec. 31. 111	T. J. Carmichael, travelling expenses,...
	Balance charged below,.....
	<u>\$10,827 33</u>

ROBERT WILTSE, *Agent.*

STATE-PRISON, MOUNT-PLEASANT, }
 18th Febr'y, 1833. }

WESTCHESTER COUNTY, SS.

Robert Wiltse, Agent Mount-Pleasant prison, and John Sing, Clerk of the same, being duly sworn depose and say, that the preceding account is correct and true in every respect according to the best of their knowledge and belief—and further saith not.

ROBERT WILTSE,
 JOHN SING.

Subscribed and sworn, this 28th day of {
 February, 1833, before me, }
 A. GRAHAM, *Com. of Deeds.*

(No. 4.)

Monthly account current, January, 1833.

Robert Wiltse, Agent of the State-Prison at Mount-Pleasant, in
 account with the State of New-York.

1832.

DR.

Dec. 31. Balance due, \$5,411 25

1833.

Jan'y 4.	Benjamin Tunstall, on ac. tailors employed,.	55 91
	Abner Joy, one marble lintel,	2 50
5.	John P. Groshon, locks,	343 69
	Henry Stogdell, making shoes,	60 00
	J. L. James & Co. lime stone,	52 50
	J. McCauley, two locks,	40 00
	John Ellis, stone,	25 65
10.	Saml. Annin, half year's rent,	100 00
11.	Wm. H. Brewster, work in smith's shop, ..	14 33
	James Russell, judgment for marble,	401 16
17.	Benjamin Tunstall, on ac. tailors,	42 92
18.	Francis Olmsted, bal. for marble,	77 00
	J. A. Conover, C. & A. R. R. Co. rubbles, &c.	3,000 00
	Capitol Park, Albany, coping,	1,069 77
26.	Peter B. Lynch, work in B. shop,	28 00
	Stacy B. Collins, lime stone,	100 00

Carried forward,....\$

	Brought forward,....\$	
Jan'y 20.	S. Warren, rough building stone,.....	42 88
	Lane & Wagoner, do	3 75
		<hr/>
		\$10,871 31
		<hr/>
	Balance brought down,	\$3,477 35
		<hr/>

1833.

CR.

	No. of vouchers.		
Jan'y	1. 112	David Felt, stationary,.....	\$6 50
	3. 113	Benja. Tunstall, needles and scissors,..	3 56
		114 Wm. H. Brewster, freight of coal,....	55 19
	8. 116	D. & J. Baily, hospital, paint, &c.....	214 14
		115 R. K. Foster, postage,	13 00
	10. 117	John H. Page, ex. to place of conv'n,	1 00
		118 Thomas Johnson, do do	1 00
		119 Edward Williams, do do	1 00
		120 Wm. G. Lawrence, do do	1 00
		121 Wm. H. Brewster, freight, sundries, ..	189 01
	14. 122	Green & Lambert, meat for hospital,...	23 63
		123 James Parker, ex. to place convicted,	2 00
		124 John Anderson, do do	2 00
	16. 125	Perry Hoffman, do do	2 00
		126 Hugh Burns, do do	2 00
	19. 127	Silas Denel, do do	5 00
		128 Zebulon Homan, apprehend. esc'd con.	11 25
		129 Titus, Clark & Treadwell, thread,	26 75
		130 S. W. Anderson, files, spelter, &c.	82 32
		131 Wm. C. Taylor, jun. pencils, &c.	0 87
	22. 132	James Drake, freight of cop'r and zinc,	7 50
		133 James H. Van Winkle, ex. to pl. of con.	1 00
		134 McFarlans & Ayres, iron, steel, &c....	445 89
	25. 136	David Hitchcock, freight,.....	18 75
		137 Oliver Washburn, cartage,.....	15 00
	26. 138	Peter B. Lynch, freight,.....	39 20
		139 John Groshon, copper and spelter,....	141 84
		140 Jno. H. Williams, coal,.....	1,279 86
	31. 141	J. C. Arthur, 1 month's provision,	1,778 28
		142 Agent, clerk, and keeper, 1 mo. serv's,	1,948 28
	22. 135	Tonnelle & Hall, wool,	875 69
	30. 143	H. Harris & Co. nails, files, iron, &c...	209 52
		Balance carried down,	3,477 35
			<hr/>
			\$10,871 31
			<hr/>

ROBT. WILTSE, *Agent.*

STATE-PRISON, MOUNT-PLEASANT, }
 18th Febr'y, 1833. }

WESTCHESTER COUNTY, ss.

Robert Wiltse, Agent, and John Sing, Clerk, of the State-Prison at Mount-Pleasant, being duly sworn depose and say, that the preceding account is correct and true in every respect according to the best of their knowledge and belief—and further saith not.

ROBERT WILTSE,
JOHN SING.

Subscribed and sworn, this 28th day of }
February, 1833, before me, }
A. GRAHAM, Com. of Deeds.

(No. 5.)

Monthly account current, February, 1833

Robert Wiltse, Agent of the State Prison at Mount-Pleasant, in account with the State of New-York.

1833.

DR.

Jan. 31.	To balance,	\$3,477 35
Feb. 5.	John Whetten, Sailors' Snug Harbor,	1,000 00
	Julius A. Carrington, marble,	300 00
	Cam. & Am. R. Road Co. blocks and rubble,	3,000 00
	B. W. Tunstall, tailors,	50 00
	Seth Geer, La Fayette buildings,	1,500 00
	Green and Wetmore, boiler iron,	23 40
18.	E. Lynds and Son, acc. of iron work, &c. ...	20 19
	Elias Noe, rough stone,	7 12
	W. F. Fottrell, marble and locks,	510 00
21.	G. W. Woolsey, locks,	14 80
		<hr/>
		\$9,902 86
		<hr/>
Feb. 28.	Balance brought down,	\$4,170 23
		<hr/>

1833.

CR.

No. of vouchers.

Feb. 2.	144	Richard Burch, expenses place conv'n, .	\$3 00
	145	I. G. & I. Nelson, meat for hospital, ...	11 52
5.	146	Ralph Murdy, expenses to place conv'n,	4 00
	147	Charles Phillips, do do ..	2 00
6.	148	John Brown, do do ..	3 00
	149	James McCormick, do do ..	2 00
	150	James R. Orrer, carting marble,	3 00
	151	Stevens Orrer, freight,	17 76
9.	152	David C. Barber, expenses to place conv.	3 00
	153	John Dusenbury, do do ..	2 00
	154	John Jackson, do do ..	2 00
	155	Henry Smith, do do ..	2 00

Carried forward, \$

Brought forward,.... \$

<i>No. of vouchers.</i>			
Feb. 12.	156	Green & Wetmore, iron, steel, nails, &c.	1,977 66
14.	157	W. H. Sparks, apprehend'g escap'd convict,	50 00
	158	W. I. Van Tassell, oak timber,.....	50 58
19.	159	N. L. & S. L. Mott, eight loads wood, .	15 00
16.	160	Henry Taylor, expenses to place conv'n,	3 00
	161	Francis Wernham, do do ..	3 00
	162	William Robinson, do do ..	3 00
	163	Anthony Field, do do ..	3 00
	164	Gilbert Canniff, labor with oxen,.....	42 00
17.	165	Thomas Haight, expenses to place conv'n,	3 00
	166	John Cornforth, do do ..	3 00
	167	Wm. Carlisle, do do ..	2 00
	168	George Cross, do do ..	2 00
	169	James Williams, do do ..	2 00
	170	Ann I. Van Wart, milk,.....	37 75
28.	171	Andrew Graham, commissioner's services,	9 13
	172	Arthur Merritt, provision,	1,544 62
	173	Agent, clerk and keepers, pay roll,	1,926 61
		Balance charged below,.....	4,170 23
			<hr/>
			\$9,902.66

ROBERT WILTSE, *Agent.*STATE PRISON, MOUNT-PLEASANT, }
February 28, 1833.

WESTCHESTER COUNTY, ss.

Robert Wiltse, Agent, and John Sing, Clerk of the State Prison at Mount-Pleasant, being duly sworn, depose and say that the preceding account is correct and true in every respect, according to the best of their knowledge and belief; and further saith not.

ROBERT WILTSE,
JOHN SING.

Subscribed and sworn, this day of }
March, 1833, before me, }
A. GRAHAM, *Commissioner of Deeds.*

(No. 6.)

*Monthly account current, March, 1833.*Robert Wiltse, Agent of the State Prison at Mount-Pleasant, in
account with the State of New-York.

1833.

DR.

Feb. 28.	To balance from old account,	\$4,170 23
Mar. 2.	B. B. Howell, limestone,	37 50

Carried forward,.... \$

Brought forward,.... \$		
Mar. 4.	Seth Geer, marble,	2,000 00
9.	James Smith, rough stone,	32 26
2.	John Fleming, Treas. on acc. French church, ..	1,000 00
31.	Jesse Bishop, swill,	55 00
9.	James Smith, rent,	134 00
	do four spear pumps,	10 00
31.	Jesse Bishop, mending britchins,	0 38
	do ox yokes, &c.	4 76
4.	Skinner and Halls, engraving,	25 00
	William T. Fottorill, bank vaults,	203 00
9.	John Groshon, on acc. for locks,	14 00
	Benjamin W. Tanstell, on acc. for tailors, ..	50 00
21.	Thomas Steers, weaving,	1 09
24.	J. Chichester, coopers' work,	1,867 34
		<hr/>
		\$9,604 56
Mar. 31. To balance brought down,		<hr/>
		\$4,077 55

1833.

CR.

No. of vouchers.

Mar. 6.	174 John Groshen, plating knobs, &c.	\$14 00
	175 Green and Lambert, meal for hospital, .	17 63
9.	176 Harmon Eldredge, w. w. brushes, wire screws, &c.	36 23
12.	177 Joseph Whitson, two cords wood,	14 00
13.	178 John Smith, expenses to place conv'n, ..	1 00
	179 Andrew Van Tassell, do do ..	1 00
	180 Jonas Verplank, do do ..	3 00
7.	181 John Benson, 544 lbs. copper,	101 01
6.	182 John W. Pitkins, 250 lbs. zinc,	8 75
	183 A. L. Ackerman, pieces of grindstone, ..	2 50
	184 Thomas Brett, flour,	19 75
9.	185 Peter B. Lynch, 101 feet oak timber, ..	3 03
	186 William H. Brewster, varnish, &c.	12 06
19.	187 William Corbin, expenses to place conv'n,	3 00
	188 Anthony Harvy, do do ..	1 00
	189 Thomas Jackson, do do ..	1 00
	190 Mitchel Cormick, do do ..	1 00
	191 Daniel McRea, do do ..	3 00
	192 M. and W. Armstrong, thread and bristles,	25 52
	193 Sanders Ostrander, expen. to place conv'n,	3 00
	194 Constant Perkins, do do ..	2 00
	195 Jeremiah Chichester, timber,	1,374 84
	196 Wm. Pangburn, expenses to place conv'n,	2 00
	197 Jacob La Grange, do do ..	2 00
	198 Thos. Culbert, do do ..	3 00
	199 Jacob Allen, do do ..	3 00
	200 Abbott McLean, do do ..	2 00

Carried forward,.... \$

Brought forward,.... \$

<i>No. of vouchers.</i>		
Mar. 31.	201 Arthur Merritt, provision,.....	1,739 32
	202 Jesse Bishop, timber, hay, &c.	175 47
	203 David Felt, quills,	6 25
	204 F. S. Wilkey & Co., combs,.....	11 25
	205 John Agate, brick,	5 34
	206 Henry Worrell, wheels for,	5 70
	207 Agent, clerk and keepers, pay roll, one month's services,.....	1,868 57
	208 Isaac Tompkins, extra guard,	2 40
	209 Isaac Hunt, carting rail-road blocks, ..	52 40
	Balance carried below,	4,077 55
		<hr/> \$9,604 56 <hr/>

ROBERT WILTSE, *Agent.*STATE PRISON, MOUNT-PLEASANT, }
March 31, 1833. }

WESTCHESTER, SS.

Robert Wiltse, Agent, and John Sing, Clerk of the State Prison at Mount-Pleasant, being duly sworn, depose and say that the preceding account is correct and true in every respect, according to the best of their knowledge and belief; and further saith not.

ROBERT WILTSE,
JOHN SING.

Subscribed and sworn, this 10th day of }
April, 1833, before me, }
A. GRAHAM, *Commissioner of Deeds.*

(No. 7.)

*Monthly account current, April, 1833.*Robert Wiltse, Agent of the State Prison at Mount-Pleasant, in
account with the State of New-York.

1833.

DR.

Mar. 31.	To balance from old account,...	\$4,077 55
April 1.	John Fleming, on ac. for French church, N. Y.	2,900 00
	John Townsend, marble stoop,.....	150 00
	Captain Giberson, steps and flagging,	3 75
	Mr. Steers, weaving,.....	1 92
	Ann Van Wart, do	1 04
	Doct. W. R. Belcher, hearth stone,	3 00
	John Cronky, stone horse block,.....	5 00
15.	Jonathan Wood, steam boiler pipes, &c., ...	175 00
	John F. Ellis, on ac. Jersey City church,...	140 00
17.	Benj. W. Tunstall, on ac. for tailors,.....	25 00
	Henry Romer, locks,.....	16 25

Carried forward,.... \$

		Brought forward,.... \$	
April 1.	Joseph Garey, on ac. shoemakers,.....	1,000	00
	J. A. Conover, on ac. blocks, &c.,.....	3,000	00
	John Groshon, do locks,	256	19
19.	Andrew Brady do marble,	183	00
	Captain Anderson, load rough stone,.....	18	12
	Mr. Folger, 9 loads rubble stone,	2	25
23.	E. Mead, 2 yards, do do	87	
	H. Nott, & Co. iron work,	20	50
	B. W. Tunstall, tailoring,	25	63
	W. R. Belcher, hearth stone,.....	4	50
25.	William Mangan, rubble stone,.....	50	
27.	Abner Joy, lintels,	19	50
	W. B. Burnett, monument,.....	125	00
		<hr/>	
		\$11,254	57
		<hr/>	
Balance brought down,		\$7,027	97
		<hr/>	

1898.

CR.

		No. of vouchers.	
April 1.	210 Lambert & Hyatt, meat for hospital,...		\$7 12
	211 William H. Brewster, lime, &c.,		5 65
	212 David Farrington, freight,.....		1 00
	213 Ralph Van Sickle, expenses to place of conviction,		4 00
	214 Samuel Day, do do		2 00
	215 Oliver Washburn, cartage and labor of oxen,		132 39
9.	216 James Murnerly, oak timber,.....		50
	317 Adonijah Russell, expenses to place of conviction,		3 00
12.	218 Matthew Hewes, do do		3 00
13.	219 A. L. Ackerman, rope, &c.,.....		40 31
	220 Cornell, Cooper & Co., pot ashes,.....		25 26
15.	221 John Church, expenses to place of conviction,		1 00
	222 Charles Van Alstyne, do do		1 00
17.	223 John Watson, do do		3 00
	224 Peter Johnson, do do		1 00
	225 Herman S. Daley, do do		1 00
	226 Ruleff Van Arsdolen, do do		1 00
	227 William Moon, do do		3 00
	228 Gilbert Sherwood, leather,.....		99 00
	229 Henry Romer, hickory wood, &c.,.....		24 12
19.	230 John Youngs, expenses to place of conviction,		2 00
	231 Wm. A. Van Derlip, do do		2 00
	232 L. P. Peck, spelter and tin,		35 25

Carried forward,.... \$

		Brought forward,.... \$	
Ap'l 23.	233	James Adams, expenses to place of conviction,	2 00
	234	Elkanah Mead, hickory wood,	7 00
22.	235	Theods. Brett, flour,	36 25
	236	H. Elsworth, oil,	99 25
23.	237	D. Harwood, freight,	19 31
	238	Wm. Prince & Sons, trees,	44 00
	239	John Thomas, expenses to place of conviction,	3 00
	240	Ignace Plamondon, do do	1 00
30.	241	Agent, clerk and keepers, month's services,	1,886 61
	242	John Lee, expenses to place of conviction,	1 00
	243	Arthur Merritt, month's provision,	1,729 58
		Balance carried down,	7,027 97
			<hr/>
			\$11,954 57

ROBERT WILTSE, *Agent.*STATE PRISON, MOUNT-PLEASANT, }
30th April, 1833. }

WESTCHESTER COUNTY, ss.

Robert Wiltse, Agent, and John Sing, Clerk of the State Prison at Mount-Pleasant, being duly sworn, depose and say, that the preceding account is correct and true in every respect, according to the best of their knowledge and belief.

R. WILTSE,
JOHN SING.

Subscribed and sworn this day }
of May, 1833, before me, }
A. GRAHAM,
Commissioner of Deeds.

(No. 8.)

*Monthly account current, May, 1833..*Robert Wiltse, Agent of the State-Prison at Mount-Pleasant, in
account with the State of New-York.

1833.

DR.

April 30.	To balance,	\$7,027 97
May 1.	Joseph Garey, on account for shoemaking, ...	434 63
2.	do do do ...	1,000 00
11.	B. W. Tunstall, do tailors,	30 00
14.	do do do	9 37

Carried forward,.... \$

[Senate No. 13.]

5

Brought forward,....		\$
May 22. Stephen Conklin, weaving 12½ yards carpet, ..	1 25	
30. Nathaniel Sarles, do 27½ do cloth, ..	3 41	
Elias Sarles, do 29 do do ..	2 72	
2. Samuel Annins, half years rent,	100 00	
6. Francis Gassiot, on acc't rent,	13 00	
James Smith, balance rent of farm,	67 00	
4. Captain Tuttle, building stone,	10 00	
17. Seth Geer, on acc't for marble,	300 00	
20. Wm. H. Brewster, 5 bbls. marble dust,	5 00	
27. Stephen Conklin, stone plinths,	7 50	
Richard P. Hart, on acc't marble for Troy court-house,	1,000 00	
30. Oliver Washburn, one yard rubble stone,	9 50	
6. Wm. H. Bangs, locks,	3 50	
29. Samuel Oakley, do	10 00	
John Newhouse, mending rule,	0 25	
6. James Smith, coal,	10 00	
14. Harvey Newell, hoops,	0 75	
21. Oliver Washburn, hoops, &c.	19 07	
		<u>\$10,055 92</u>
May 31. To balance brought down,	\$3,840 37	

1833.

CR.

No. of vouchers.		
May 1. Undercharged on voucher No. 114,	\$0 60	
244 Loman Bouton, exp. to place conviction, ..	1 00	
245 Gilbert Canniff, jr., cartage from quarries, ..	41 00	
246 Joseph Garey, 2,287½ lbs. sole leather, ..	434 63	
3. 247 J. D. Hart, maps,	6 00	
248 A. Dunning, medicine,	47 43	
7. 249 Joseph Graham, expenses to place of con.	3 00	
250 John Blackburn, do do	3 00	
251 Lambert & Hyatt, meat for hospital,	6 42	
9. 252 William Franklin, exp. to place of conv.	1 00	
253 R. K. Foster, letter postage,	19 69	
16. 254 M. & W. Armstrong, thread,	129 40	
255 J. G. Pierson & Brothers, iron, nails, &c.	1,012 12	
17. 256 Thomas Steers, freight,	7 50	
20. 257 John Benson, copper,	203 95	
258 Tonnelle & Hall, wool,	460 79	
28. 259 Moses Stanton, plank,	10 24	
260 Hunt & Tompkins, small pox guard,	84 66	
21. 261 Barrow & Prior, oil,	204 00	
31. 262 Arthur Merritt, one month's provision, ..	1,641 97	
263 Robert Haglin, old brass and copper,	8 54	
264 Sundry convicts exp's to place of conv'n,	22 00	

Carried forward,.... \$

Brought forward,	\$
265 Agent, clerk, &c., pay-roll for May,	1,866 61
Balance charged below,	3,840 37
	<hr/>
	\$10,055 92

State-Prison, 31st May, 1833.

ROB'T. WILTSE,
Agent and Principal Keeper.

WESTCHESTER COUNTY, ss.

Robert Wiltse, Agent, and John Sing, Clerk, of the State-Prison at Mount-Pleasant, being duly sworn, depose and say, that the within account is correct and true in every respect, according to the best of their knowledge and belief—and further saith not.

R. WILTSE,
JOHN SING.

Subscribed and sworn, this day of }
June, 1833, before me, }
A. GRAHAM, *Com. of Deeds.*

(No. 9.)

Monthly account current, June, 1833.

Robert Wiltse, Agent of the State-Prison at Mount-Pleasant, in account with the State of New-York.

1833.

DR.

May 31. Balance,	\$3,840 37
June 4. Elisha Bloomer, on acc't blacksmiths,	503 65
5. William Mangum, for shooks,	1 48
Mr. Green, stove pipe stone,	1 25
8. Horace Frost, counter stone,	4 00
10. Wm. Lawrence, weaving,	3 80
Henry Stogdill, on acc't shoemaking,	26 50
O. Washburn, 221 shooks,	8 84
11. John Groshon, on acc't of locks,	624 49
Najah Taylor, steam boiler repairs,	40 00
13. Nathaniel Sarles, weaving,	5 37
15. H. R. Avery, bank vault,	177 50
Jerh. Chichester, on acc't for coopers,	578 03
Albany Capitol park, marble,	255 54
20. R. P. Hart, marble, Troy court-house,	1,500 00
27. John Sarles, weaving,	1 12
Elias Sarles, do	1 35
B. W. Tunstall, on acc't tailors,	44 68
John Fleming, marble, French church,	2,000 00
	<hr/>
	\$9,619 97
	<hr/>
June 30. Balance credited above,	\$4,346 60

1833.	<i>No. of vouchers.</i>	<i>CR.</i>	
June 1.	266	Albert Smith, powder,.....	\$143 50
3.	267	John Stewart, jr., thread, &c.	32 39
	268	W. G. Munt, cement,.....	3 12
	269	Lambert & Hyatt, meat for hospital,....	7 79
	270	H. G. Lawrence, services in small pox hospital,.....	2 34
4.	271	Galloway & Martin, one coil rope,.....	26 82
	272	D. & J. Bailey, medicine,.....	170 12
	273	Thos. Bailey, lumber,	40 64
6.	274	Green & Wetmore, iron, steel, &c.	1,036 31
15.	275	Wm. J. Van Tassell, oak plank,.....	18 56
	276	Jesse Bishop, ox hire, &c.	217 44
	277	A. Dickinson, steel reeds,	3 88
22.	278	Alex. Fitch, advertising for rations,	11 28
30.	279	Arthur Merritt, provision,	1,654 95
	280	Sundry convicts exp. to place conviction,	58 00
	281	Agent, clerk and keepers, one month's services,	1,853 23
		Balance charged below,.....	4,346 60
			<hr/>
			\$9,619 97

State-Prison, Mount-Pleasant, 30th June, 1833.

R. WILTSE,
Agent and Principal Keeper.

(No. 10.)

Monthly account current, July, 1833.

Robert Wiltse, Agent of the State Prison at Mount-Pleasant, in
account with the State of New-York.

1833.	<i>DR.</i>	
June 3.	Balance due from Agent,.....	\$4,346 60
July	Captain Heartt, locks,	5 10
	Elish Bloomer, labor of smiths and hatters, .	365 20
4.	George Trout, flush bolts,	60 00
5.	R. R. Finch & Co., on acc. shoemakers, ...	100 00
6.	R. R. Foster, weaving,	1 28
	Benjamin Kipp, do	0 75
8.	Oliver Washburn, shooks and rough stone, ..	71 26
9.	A. Watson, weaving,	2 24
	Green and Wetmore, scrap iron,	14 69
11.	William Mangam, 72 bunches shavings,	2 88
12.	Joseph Hunt, weaving,	1 75
16.	B. W. Tunstall, on acc. tailors,	40 00

Carried forward,....\$

		Brought forward,....\$
July 23.	Louis Lagrille, balance for stone,.....	19 25
25.	John Groshon, on acc. for locks,	1,604 17
26.	Abner Joy, on acc. marble,.....	300 00
	Mr. Orr, three window sills,.....	3 00
	Jeremiah Chichester, on acc. for coopers' work,	666 37
	Henry Stogdill, shoemakers' work,	100 00
	Stacy B. Collins, limestone,	205 72
	Aaron Arnold, on acc. marble,	600 00
	Carroll and Wemple, on acc. rail-road blocks,	100 00
29.	B. C. Watson, two slabs,.....	1 00
30.	William Mangam, faggots,	2 00
		<hr/>
		\$8,613 26
		<hr/>
Balance brought down,		\$3,933 67
		<hr/>

1833.

CR.

		No. of vouchers.
July 2.	282 R. K. Foster, quarter's letter postage, .	\$12 52
	283 William Tracy, tape line,	2 00
	284 J. B. Jansen, paper and pencils,	0 67
	285 Lambert and Hyatt, meat for hospital, .	5 66
8.	286 O. Washburn, cartage,	6 50
11.	287 Gilbert Sherwood, leather,	64 50
	288 William Mangum, cartage,	3 00
	289 H. Harris & Co., iron and hardware, ...	244 59
24.	290 Henry McChesney, plank,.....	22 50
27.	291 Amos Dunning, broken glass,	1 66
	292 William H. Brewster, black lead pots, .	4 66
	293 John Groshon, screws, brushes, &c.....	46 66
	294 Samuel Whittemore & Co., wire, feeders, &c.	32 00
	295 James Hazard, powder,	472 50
31.	296 Sundry convicts, expenses to place conv'n,	35 00
	297 M. and W. Armstrong, thread, bristles, &c.	113 70
	298 Arthur Merritt, provision,.....	1,660 44
	299 Agent, clerk, &c., one month's services,	1,841 61
	300 Lambert and Hyatt, meat,.....	6 52
	301 Robert Canniff, milk,	1 67
Balance carried down,		3,933 67
		<hr/>
		\$8,616 26
		<hr/>

ROBERT WILTSE, *Agent*
and *Principal Keeper*.

STATE PRISON, MOUNT-PLEASANT, }
31st July, 1833. }

(No. 11.)

*Monthly account current, August, 1833.*Robert Wiltse, Agent of the State-Prison at Mount-Pleasant, in
account with the State of New-York.

1833.

DR.

July 31.	Balance from July account,	\$3,983 67
Aug. 2.	Benjamin W. Tunstall, on acc. for tailors, ..	50 00
3.	Oliver Washburn, horse block,	1 60
	Edward Ryder, cash for ox hides,	4 50
6.	William Mangam, two loads faggots,	2 88
	E. Bloomer, labor of convicts to 31st July, ..	497 27
7.	Oliver Washburn, faggots, and stone step, ..	52 12
	Hall, Scott & Co., tailors' work,	163 63
	Richart P. Hart, on acc. Troy court-house, .	1,000 00
	John Bowen, on acc. Baptist church,	1,000 00
9.	B. W. Tunstall, weaving,	1 77
14.	William Mangam, faggots,	5 80
15.	Edward Steers, weaving,	1 46
	B. W. Tunstall, on acc. tailors,	50 00
	John Bowen, on acc. Baptist church,	1,000 00
	Joseph Garey, on acc. shoemakers,	1,257 66
	J. Chichester, on acc. coopers,	656 63
24.	Seth Geer, on acc. locks,	200 00
	William Mangam, 66 bunches faggots,	2 64
	Low and Kingsley, 70 tons limestone,	28 00
29.	Benjamin W. Tunstall, on acc. tailors,	70 00
		<hr/>
		\$9,977 03
		<hr/>

Aug. 31.	To balance brought down,	\$5,480 31
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1833.

*CR.**No. of vouchers.*

Aug. 7.	302	Henry McChesney, plank,	\$50 73
9.	303	Theods. Brett, flour,	23 75
	304	Henry Elsworth, oil,	272 00
20.	305	Tonnelle and Hall, wool,	435 58
19.	306.	Gilbert Canniff junior, carting,	14 00
	307	Benj. Brewster, carting railway blocks, ..	8 73
24.	308	A. Heartt, freight coal,	109 89
26.	309	William Nelson, services as guard,	20 00
	310	N. L. and S. L. Mott, leather,	35 13
31.	311	Arthur Merritt, one month's provision, .	1,609 52
	312	Pents & Co., chalk,	10 50
	313	A. L. Ackerman, pitch, tar, &c.	18 63
	314	Convicts discharged, exp. to place conv'n,	38 00
	315	Israel Harmon, 10 kegs gunpowder,	33 75

Carried forward,#

Brought forward,....\$

No. of vouchers.

316 Agent, clerk and keepers, 1 mo. services, 1,816 61
 By balance charged below, 5,480 31

\$9,977 03

ROBERT WILTSE, *Agent*
and Principal Keeper.

STATE-PRISON, MOUNT-PLEASANT, }
 31st August, 1833. }

WESTCHESTER COUNTY, ss.

Robert Wiltse, Agent, and John Sing, Clerk of the State Prison at Mount-Pleasant, being duly sworn, depose and say that the preceding account is correct and true in every respect, according to the best of their knowledge and belief; and further saith not.

ROBERT WILTSE,
 JOHN SING.

Subscribed and sworn, the 10th day of }
 September, 1833, before me, }
 A. GRAHAM, *Commissioner of Deeds.*

(No. 12.)

Monthly account current, September, 1833.

Robert Wiltse, Agent of the State-Prison at Mount-Pleasant, in
 account with the State of New-York.

1833.

DR.

Aug. 31. Balance,	\$5,480 31
Sept. 4. Elisha Bloomer, work by locksmith, hatters, &c.	539 28
6. James McCord, step stone,	3 00
9. Harrison Eldridge, locks,	22 64
10. Leonard Bleecker, weaving,	2 69
11. O. Washburn, shavings and block,	50 00
12. Benjamin W. Tunstall, on acc. for tailors, ..	30 00
13. William Avery, sledge,	2 25
14. Levi Horton, ox chain,	4 00
18. W. and E. Buddington, steam boiler,	175 00
Julius A. Carvington, on acc. of marble,	600 00
J. Garry, marble,	258 00
20. E. M. Blount, marble,	23 00
Charles Snowden, 12 bunches faggots,	0 50
James Knowlton, one quarter's rent,	84 25
H. Jones, weaving,	2 81
26. John Groshon, on acc. of locks,	500 00
Caleb Roscoe, hearth stone,	6 00
Jacob Chandrayne, marble dust,	2 00
27. Jeremiah Chichester, on acc. of coopers,	940 45

Carried forward,....\$

	Brought forward,.... \$	
Sep. 27.	Seth Geer, on acc. of locks,	500 00
	Jesse Williamson, shoemakers,.....	163 63
30.	John Webbers, weaving,	2 16
	A. St. John, bank vault doors,.....	175 00
	Jesse Bishop, blacksmith's work,	25 21
		<hr/>
		\$10,459 36
		<hr/>
Sep. 30.	Balance brought down,.....	\$4,540 86
		<hr/>

1833.

CR.

	No. of vouchers.	
Sept. 5.	317	Thomas Steers, shingles,
		\$63 00
	318	John Agate, brick,
		5 44
	319	Philip M. Backus, old copper, &c.
		391 02
	320	Harmon Eldridge, files, iron, &c.
		65 91
	321	Harmon Eldridge & Co., files, iron & powder, ..
		395 60
	322	William H. Clapp, services as guard, ..
		9 16
	323	Edward M. Blunt, stationary,
		44 31
	324	J. H. Williams, coal,
		914 75
	325	Watkins and McLean, timber,
		4 20
	326	Samuel Wood and Son, stationary,
		1 62
	327	M. and W. Armstrong, shoe thread, ...
		186 12
	328	Theodorus Brett, flour,
		34 75
	329	J. C. Morrison and Son, hops,
		3 75
	330	A. and T. F. Cornell, potashes, &c. ...
		44 62
	331	Caleb Roscoe, advertising, &c.
		25 87
	332	Sundry convicts, exp. to places of conv'n,
		24 00
	333	Thomas Bailey, lumber,
		92 64
	334	Arthur Merritt, provision,.....
		1,613 41
	335	Agent, clerk, &c., one month's services,
		1,791 61
	336	Thomas Steers, lumber,
		206 72
		To balance charged below,
		4,540 86
		<hr/>
		\$10,459 36
		<hr/>

ROBERT WILTSE, *Agent*
and *Principal Keeper*.

STATE PRISON, MOUNT-PLEASANT, }
30th September, 1833. }

WESTCHESTER COUNTY, ss.

Robert Wiltse, Agent, and John Sing, Clerk of the State-Prison at Mount-Pleasant, being duly sworn, depose and say that the preceding account is correct and true in every respect, according to the best of their knowledge and belief; and further saith not.

ROBT. WILTSE,
JOHN SING.

Subscribed and sworn, this 25th day of }
October, 1833, before me. }

A. GRAHAM, *Commissioner of Deeds*.

**IN SENATE,
January 16, 1834.**

REPORT

**Of the committee on State Prisons, on so much of
the Governor's message as relates to female con-
victs.**

Mr. Macdonald, from the standing committee on State Prisons, to which was referred "so much of the Governor's message as relates to the State Prisons and penitentiary system, and so much as relates to the female convicts, county jails and the house of refuge,"

REPORTED:

That they have directed their first attention to the situation of the female State convicts, and the propriety of erecting a separate prison for them.

The number of these convicts at this time is about fifty-five in the whole State: twenty-five of whom are confined at the Auburn State Prison, and subjected to an imperfect discipline, but which for the want of room and convenient arrangement, is quite inefficient as a means of permanent improvement. They are however more usefully employed, and their condition is much better, then formerly.

The other thirty are confined at Bellevue in the charge of the corporation of the city of New-York, and are left without supervision, and beyond the reach of discipline, or the slightest means of restraint. On the contrary, the youthful offender, and the old and hardened criminal, are abandoned to a full and free intercourse together. The novice becomes an adept, and the adept becomes

[Senate No. 14.]

hardened; and both are again let loose upon society, as from a school of vice, instructed and matured for the commission of crime.

For the support of each of these last mentioned convicts the State pays to the city of New-York one hundred dollars annually; and as this makes a sufficient compensation to the city, but little service is sought from the convicts, and thus the sentence to hard labor is a mere form. The law in this respect is not carried into effect.

It is proper to add, that the authorities of the above named city, merely consent to keep these convicts, but are by no means desirous of retaining them.

The project of a separate prison for this class of convicts, has for several years past, occupied more or less the attention of the Legislature. Besides repeated Executive recommendations, the various committees to whom this matter has been referred, have uniformly agreed in the necessity and propriety of the measure.

It will be unnecessary to give a detailed history of our legislation in relation to this subject. A brief view of it may be found in No. 74 of the Senate Documents of 1832; and some further remarks in No. 32 of the Senate Documents of the last session;—With the reports last above referred to, bills were introduced, on which no final action was had.

The committee will, however, in few words, notice some of the reasons in favor of a separate prison for the female convicts.

At a separate establishment, in a good location, they might, when all together, be more conveniently and usefully employed, might be made to earn more for their support, and their earnings might be turned to better account, than if connected with the existing State Prisons.

It would be more feasible and less expensive, to subject them to a uniform system of discipline—to the operation of wholesome regulations, fitted for their good government, and for their moral culture and ultimate reformation.

A place of separate confinement, *remote* from the other prisons, would be much more favorable for the *success* of such discipline

and culture: and thus situated they would be far more likely to interest the philanthropic, and call forth the charities of the benevolent of their own sex, in aid of the best interests of the institution.

At a separate prison the efforts of the officers having these convicts in charge, would be more fully and entirely exerted for their welfare, for the best means of managing them, and for the economy and productiveness of the establishment.

At a separate prison, a single matron would be sufficient to have the charge of them; a reasonable wall would hold them, and thus no guards would be required; and after the erection of the prison no pay would be allowed to inspectors. It is, at least, but reasonable to suppose, that the expenses in the payment of officers would not exceed at a separate establishment, the same expenses, in keeping these convicts at the existing State Prisons, while their earnings would undoubtedly be greater at a separate prison.

If these convicts were to be confined at the State Prisons as at present organized, it would be necessary to erect new buildings for their accommodation; and it may be doubted whether the expense attending the erection of such buildings would not equal the cost of a separate prison. If, however, the building of a separate prison should exceed, even considerably, the expense of erections at the other prisons, still the advantages in all other respects are so numerous and important, that this consideration would scarcely weigh in the decision.

This committee agree in the opinion heretofore expressed by former committees, that the city of Albany, or its vicinity, would be a suitable and central location, for the proposed prison. Sufficient land for this object has been offered by the corporation of the city of Albany; and the committee doubt not but that an eligible site may be obtained free of expense to the State.

In short, a prison for this class of convicts should be differently organized; the convicts will require a different discipline, different superintendence, different employment, even different food; and the best hopes of successful treatment, seem to depend upon a separate place of confinement, unconnected with either of the other State Prisons.

In conclusion, the committee present the following forcible remarks from the late message of the Governor: "Every year's ex-

perience confirms the propriety of the repeated and urgent recommendations which have been made to your predecessors, in favor of providing a separate prison for female convicts. The number of these is now fifty-three. Twenty-three of them are in the Auburn prison; but the salutary influence of its admirable discipline cannot be fully extended to them for the want of proper accommodations. The remaining thirty are confined at Bellevue in the city of New-York, at the annual charge of one hundred dollars for each convict, paid by the State to that city. Even economy, which is less to be regarded in this matter than other considerations, would be promoted by such an establishment."

The committee ask leave to introduce a bill, in conformity with the foregoing views.

ALLAN MACDONALD,
Chairman.

No. 15.

IN SENATE,
January 16, 1834.

PETITION

Of the Albany Institute for pecuniary aid.

To the Honorable the Legislature of the State of New-York, in Senate and Assembly convened :

The petition of the Albany Institute,

RESPECTFULLY REPRESENTS:

That five years have now elapsed since its incorporation. That the leading objects of said society, are, improvement in physical science and the arts dependent thereon, the study of history and general literature, and the investigation of natural history. It does not become the members of the Institute to speak of the success of their enterprise, further than to say that their collection in the last department are indicative of their desire to effect the purpose proposed, and at the same time are a most gratifying proof of the liberality of the friends of the institution. Our catalogues now comprise at least 10,000 articles on the department of natural history.

It is evident however that such collections cannot be made without considerable expense. Many specimens are from their nature liable to injury and destruction, unless carefully prepared and placed in proper receptacles. All require to be put in safe keeping. The principal expenditure then of a society like ours arises from this source. On the other hand, its means must always be confined. The annual payment (\$2 per annum) of less than one hundred members, forms but a trifling aid towards the necessary outlay. But we are proud to say, that at all times, whenever proper application has been made, the citizens of Albany have given prompt and cheerful assistance towards extending its collections. It is sufficient to mention, as a single example, that the whole of the cabinet of the late governor Clinton is now the property of the Institute, by donation.

[Senate No. 15.]

The time that has now elapsed since the formation of the society, the favorable circumstances under which it has advanced, and the permanency which may now be considered as attached to its incorporation, have induced the members to enlarge their views. They are anxious to form a grand and comprehensive collection of the natural productions of the State of New-York, to exhibit at one view and under one roof its animal, vegetable, and mineral wealth. The central situation of Albany, its facilities of approach from all parts of the State, and the fact, that much has been effected towards such an object, are all inducements at least to undertake it. They feel sanguine of success, if some small and comparatively trifling pecuniary aid can be afforded them. And it is due to the Institute and the Legislature to state in what manner it is proposed to confine any appropriation that may be made.

Should the present application prove successful, it is intended to print and issue circulars to every part of the State, requesting collections to be made of the various natural productions, with directions how they are to be preserved and packed, so as to arrive here without injury. The information of their shipment and the cost of their transportation, each form items of expenditure. When they have reached this city, all the specimens require proper cases for their display, and this may be made, either in geographical order (as a case for each county,) or an arrangement according to the nature of the various articles. But many of the most interesting specimens need an additional outlay to preserve and exhibit them. The quadrupeds and birds require stuffing, while the fishes and other classes of animals have to be preserved in glass vessels containing alcohol. The vegetable products also must be placed in proper volumes.

It is intended that the use of any appropriation that may be granted shall be strictly confined to the expenditure indicated above. And it is desired that some public State officer may be placed as a guardian over such fund, and that an annual report of the state of the collection and the moneys used may be required. Whatever of labor, the arrangement and naming of these specimens may require, will be cheerfully and freely given by the members of the Institute, according to their time and abilities. Is it not possible that some valuable, but at present unknown, source of wealth may be discovered through such an effort carried on over the whole State? From the connexion of the Institute with the Lyceum of Natural History in

New-York, and from its correspondence with learned men and societies abroad, they will be able readily to indicate any new or valuable substances that may be discovered. But it is unnecessary to dwell on the advantages or benefits to be hoped for from the success of such an enterprise. In every civilized country of the old world, such collections are an object of national pride. For their increase, the naturalists of every kingdom have explored unknown regions, and visited far distant and barbarous countries—for this too, naval armaments have been equipped, and the entire circuit of the globe has been circumnavigated. The British Museum, the the Garden of Plants at Paris, the collections of every kingdom, even to the comparatively feeble, but wise governments of Sweden and Denmark, are all illustrations of the value attached to such institutions, and the liberality with which they are supported.

We boast, and with justice, of our empire domain; of our long reach of territory; of its varied products; of its increasing wealth; of its advance in science and literature. Can there be a more efficient mode devised of exhibiting to our fellow citizens, and to liberal foreigners who may visit us, the justice of our pretensions, than the project now proposed? It was a remark of one of the greatest men of the age—(now alas no more, but whose talents were developed in examining and arranging such collections)—of Cuvier, that “Natural History is one of those sciences, in which genius is impotent, unless seconded by power, and the efforts of power vain, unless its results are arranged by the co-operation of genius.” By power, he understood, the liberality of governments in fostering the science. We, your petitioners, cannot offer the other alternative, but we can apply its not unfrequently successful substitute, industry.

It remains to state, that through the liberality of the trustees of the Albany Academy, an appropriate and elegant place has been obtained for the disposition of the State Museum. They have granted them their hall, 76 feet in length by 36, for the purposes of the Institute.

In behalf of the Institute.

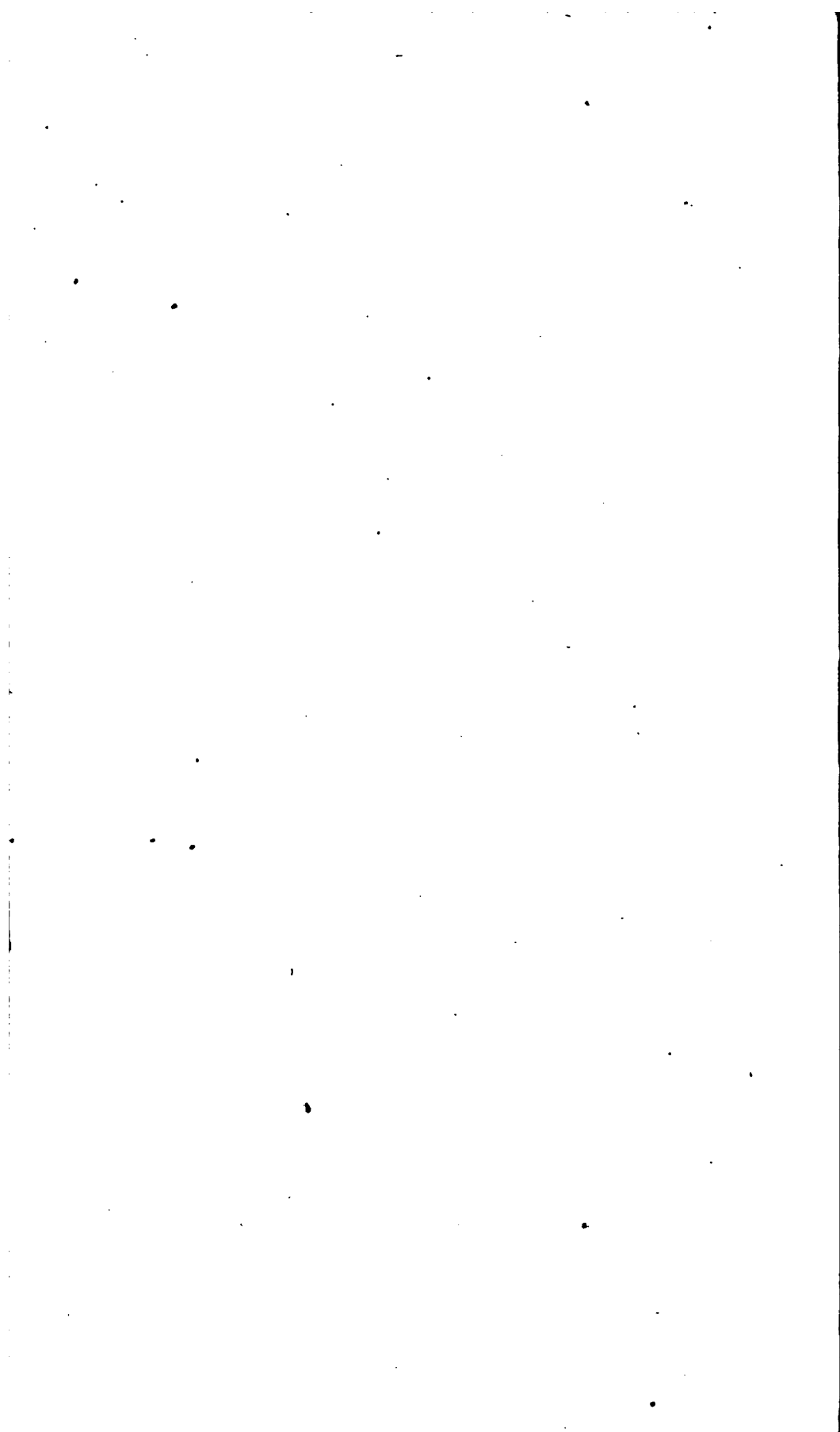
S. VAN RENSSELAER, *President.*

S. DE WITT, *Vice-President.*

PETER BULLIONS, *Vice-President.*

S. VAN RENSSELAER, JR., *Vice-President.*

Albany, January 8th, 1834.



No. 16.

IN SENATE,

January 16, 1834.

REPORT

Of the judiciary committee, on the petition of Wm. McCulloch,

Mr. Lansing, from the committee on the judiciary, to whom was referred the petition of William McCulloch,

REPORTED:

That the object of the petition is to obtain a release of the right of the State, to a certain lot of land in the city of Albany, accruing by reason of the alienage of certain individuals named in the said petition.

By the act of the Legislature, passed April 29, 1833, entitled, "An act concerning escheats," provision is made for obtaining releases of the right of the State in such cases, on certain terms and conditions specified in said act. The Commissioners of the Land-Office by that act, are clothed with ample powers to grant releases; and it is made their duty to examine into and ascertain the truth of the matters in relation to all applications. The Legislature, aware that petitions for such releases were always exparte, and might not therefore receive the scrutiny and examination the interest of the State might require, intended that after the passage of the act, no such application should be entertained or acted upon by the Legislature, unless all the facts and circumstances should be brought to their knowledge, and the act appoints the mode and manner in which they are to be apprized of those facts. By that act, it is expressly declared that all applications for the release of the interest of the State by escheat, shall be first made to the Commissioners of the Land-Office. The act also specifies the cases in which the said Commissioners may grant releases, and expressly requires of

the said Commissioners in all cases, where they are not authorised by the act to grant releases, and in those cases where they entertain doubts as to the person entitled to such release, or they deem it expedient, that they shall report the application, with a statement of the facts and circumstances, to the Legislature, for their direction.

The committee are therefore of opinion, that the petitioner under the act now in force, by application at the proper tribunal, can obtain the relief sought for, should an examination of the facts and circumstances warrant the same. The petition in this case never having been presented to the Commissioners of the Land-Office for their examination, your committee are of opinion that no legislation in this case is now necessary, and have therefore directed their chairman to ask that said committee be discharged from the further consideration of the said petition, and the said petitioner have leave to withdraw the same.

R. LANSING,
Chairman.

No. 17.

IN SENATE,
January 20, 1834.

REPORT

**Of the Comptroller, on the petition of Ebenezer
Caulking.**

COMPTROLLER'S OFFICE, }
Albany, Jan. 17, 1834. }

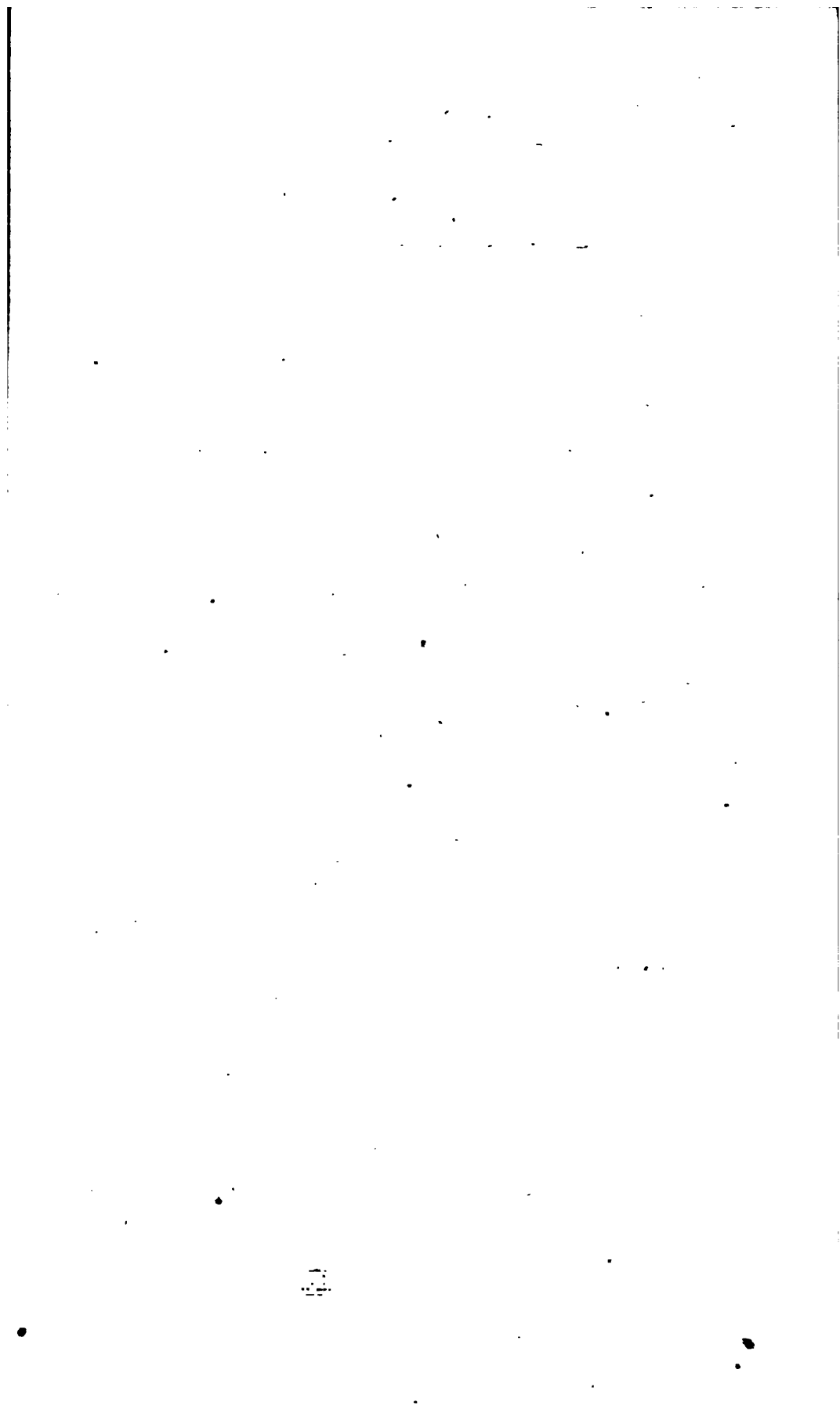
To the President of the Senate.

SIR—

Herewith is presented the report of the Comptroller on the
petition of Ebenezer Caulking.

I am, with great respect,
Your obedient servant,

A. C. FLAGG.



REPORT, &c.

COMPTROLLER'S OFFICE, }
Albany, Jan. 17, 1834. }

The Comptroller, on the reference from the Senate, of the petition of Ebenezer Caulking,

RESPECTFULLY REPORTS:

That the facts set forth in the petition, so far as the same can be ascertained by the books in this office, are substantially correct.

The lot, upon which the petitioner has made payments, is entered in the books of this office, as "lot No. 4, west side Mile Strip, On. Reservation 250 acres," and was originally sold to John Klock; the petitioner, it appears from the deed presented with the petition, purchased the lot, except thirty-two acres, in 1803, subject to the State mortgage given by the original purchaser. The petitioner appears to have made payments upon this lot for many years.

The lot upon which the payment of \$25.68 was made by Sylv. Smalley, is described as "lot No. 4, on northwesterly part Oneida Reservation, 200 acres." This lot appears to have been originally sold to Zebulon Douglass, and payments were made upon it by himself and others, but no payments were made upon this lot, in the name of Mr. Caulking, except in the single instance of the \$25.68.

The lot upon which the payment appears to have been erroneously made, was sold by the Surveyor-General on the 30th of April, 1833, for the non-payment of principal and interest. The amount due the State at the time of the sale was \$247.74; and the lot sold for \$590. The surplus, in this case, remains in the treasury; the 10th section, page 186, 1st Revised Statutes, having been repealed by the 17th section of chapter 320, of the Laws of 1831.

If the amount claimed by the petitioner should be paid to him, there will still be a considerable balance in the treasury, after discharging the amount due the State upon both the lots in question.

All which is respectfully submitted.

A. C. FLAGG

No. 18.

IN SENATE,

January 21, 1834.

REPORT

Of the committee on roads and bridges, on the petition of inhabitants of Pembroke, and other citizens of the county of Genesee.

Mr. Westcott, from the committee on roads and bridges, to whom was referred the petition of inhabitants of Pembroke, and other citizens of the county of Genesee,

REPORTED :

The petitioners represent that the said town of Pembroke is unreasonably burthened by the great extent of the expenses necessary for building and supporting the bridges in that town. They state in their petition, that the Tonawanda creek runs through the town from east to west, a distance of about nine miles, over which stream three or four bridges are necessary for the accommodation of the public, none of which at this time are safe, or even passable. That the commissioners of highways are now under a contract for building one bridge over the Tonawanda at the cost of five hundred dollars, which is the lowest price for which a safe and permanent bridge can be made, and for the amount of this contract no funds are yet provided. That the town has uniformly raised two hundred and fifty dollars annually, for the improvement of roads and bridges, which has proved inadequate to make and maintain the bridges indispensably necessary for public accommodation, and that the town is now considerably in arrear upon this branch of their expenditures. That Murder creek also runs through the town from southeast to northwest, about ten miles, over which six or seven bridges are necessary, some of them are very expensive. That the whole valuation of real estate, as estimated by the assessors, at \$108,775, and the personal estate no more than six hundred

[Senate No. 18.]

dollars, upon which the inhabitants are indebted to the Holland Land Company, fifty or sixty thousand dollars; to the Life Insurance and Trust Company, and the proprietors of Tonawanda Reservation, between twenty and thirty thousand dollars. That repeated applications have been made to the board of supervisors for aid, but without success, and an appeal to the county court has proved equally ineffectual.

The petitioners further state, that the town of Pembroke, either before or since its separation from Darien, has never received any assistance from the county, excepting the sum of fifty-five dollars in the year 1827, while it has uniformly contributed its full proportion of county taxes, levied for the improvement of roads and bridges, of which the town of Le Roy received in 1824, two thousand dollars, and the town of Batavia, in the same year, fifteen hundred dollars. The town of Attica, in 1828, received five hundred dollars. The town of Warsaw, in 1828, received one thousand dollars; and the town of Alexander, in the same year, six hundred dollars; and many other smaller sums have been distributed from county taxes on various occasions.

Among the petitioners are found the names of one of the county judges, the county clerk, the treasurer, the late and present supervisors' clerks, ten supervisors, and many other citizens of the different towns in the county.

From the facts stated by the petitioners, the accuracy of which there seems no reason to doubt, supported as they are by information derived from other respectable sources; and as the necessary notice has been published according to law, without producing an objection from any quarter, your committee have been led to the conclusion that the claims of the petitioners are meritorious and entitled to the favorable consideration of the Legislature. In accordance with this opinion, the committee have prepared a bill and directed their chairman to ask leave to introduce the same.

No. 19.

IN SENATE,

January 21, 1834.

REPORT

Of the committee on roads and bridges, on the petition of D. Burwell, and others.

The committee on roads and bridges, to whom were referred the petition of D. Burwell, and others, praying for the repeal of the "Act to appoint commissioners to lay out a road from German Flats, in the county of Herkimer, to Fort Plain, in the county of Montgomery, passed April 26, 1831,"

REPORTED:

That the subject of the repeal of this law, has been repeatedly before the Legislature, and reports have been made in favor of its repeal, as appears by Assembly Documents of 1832, No. 156, and of 1833, No. 165, to which your committee refer. That an attempt to execute the law has already given rise to considerable litigation, and it is highly probable that any further attempt will be attended with the same consequences; that the opening of the road will be attended with the assessment of large damages in the several towns through which it passes, without, in the opinion of your committee, sufficient corresponding advantages. The committee are therefore of opinion that the prayer of the petitioners ought to be granted.

FR. SEGER.

No. 20.

IN SENATE,

January 23, 1834.

REPORT

Of the select committee, on the petitions of St. Paul's and St. Andrew's churches, in the county of Richmond.

Mr. Cropsey, from the select committee, consisting of the Senators of the first district, to whom was referred the petitions of St. Paul's church, and St. Andrew's church, in the county of Richmond,

REPORTED:

That by an act of the Legislature of this State, entitled "An act to aid in the erection of places of worship, at the quarantine ground, Staten Island, passed April 9th, 1819," the commissioners of health, of the city of New-York, were directed to pay \$1,000 to the rector, church wardens and vestrymen of St. Andrew's church, in the county of Richmond, to be applied towards the erection and completion of a church at or near the quarantine ground in the county aforesaid, within three years from the time of payment; and that the sum of one thousand dollars was paid by the commissioners of health, to the rector, church wardens and vestrymen of St. Andrew's church, on the 25th of March, 1828, and has not been applied as directed by said act.

The petitioners ask for the passage of a law authorising the rector, church wardens and vestrymen of St. Andrew's church, to pay to the wardens and vestrymen of St. Paul's church, the said sum of \$1,000, to be by them applied towards the erection and completion of a church in the village of Tompkinsville, according to the requirements of the act above mentioned.

The committee see no objection to granting the request of the petitioners, as well for the reasons set forth in the petition, as the facts in the case. It is only transferring a sum already appropriated from one association of individuals to another, and granting a further time for its application; and in accordance with their views, they have prepared a bill, which they now ask leave to introduce.

No. 21.

IN SENATE,
January 23, 1834.

REPORT

Of the Comptroller, relative to Clerk hire.

COMPTROLLER'S OFFICE, }
Albany, January 23, 1834. }

To the President of the Senate.

SIR—

Herewith is presented the annual statement required from the Comptroller, of the names of the clerks employed in this office, and the amount paid to each.

I am, with much respect,

Your obedient servant,

A. C. FLAGG.

REPORT, &c.

COMPTROLLER'S OFFICE, }
Albany, 23d January, 1834. }

The Comptroller, in obedience to Section 10, Title 1, Chapter 9 of the First Part of the Revised Statutes,

RESPECTFULLY REPORTS:

That the names of the several persons employed as clerks in his office, at any time during the year 1833, with the period of time each person was so employed, and the amount of compensation paid to each for the services, are as follows, to wit:

	Salary per year.	Am't paid.
Ebenezer Watson, whole year,.....	\$800	800 00
William Beatty, do	750	750 00
John Nugent, died 11th Oct. paid to 1st Oct. last,	600	450 00
Homer R. Phelps, whole year,	750	750 00
Peter Hasbrouck, from 1st July last,	500	250 00
James Wilson, whole year,	600	600 00
John Cuyler, do	500	500 00
Isaiah L. Weaver do	300	300 00
Charles Bryan, do	500	500 00
Louis De Witt, from 1st Jan. to 1st July,	500	270 00
H. R. Phelps, for extra services at Surveyor-General's sale.....		5 00
		<u>\$5,175 00</u>

Canal Room.

William McGourkey, from 5th Feb. last,.....	500	451 71
Daniel Bush, from 1st July last,....	500	250 00

Amounts carried forward, \$

Amounts brought forward, \$			
James Mallory, from 1st May last, ..	250	158	33
George W. Newell, from 1st January to 12th March,	560	110	47
John Pearce, from 1st January to 1st April,	150	37	50
			<hr/> 1,008 01
			<hr/> \$6,183 01
			<hr/>

The following clerks are now employed in the Comptroller's office, at the salaries set opposite their names respectively.

Ebenezer Watson, at.....	\$800 00	per year.	
William Beatty, "	750 00	"	
Homer R. Phelps, "	750 00	"	
James Wilson, "	600 00	"	
Charles Bryan, "	500 00	"	
John Cuyler, "	500 00	"	
Peter Hasbrouck, "	500 00	"	
Elias Warner, "	500 00	"	
Isaiah L. Weaver, "	300 00	"	
			<hr/> \$5,300 00

Canal Room.

William McGourkey,	500 00	"	
Daniel Bush,	500 00	"	
James Mallory,	300 00	"	
			<hr/> 1,300 00
			<hr/> \$6,600 00
			<hr/>

It will be seen by the above statement, that the salaries of the clerks employed in the office, exceed the annual appropriation for clerk hire, by the sum of six hundred dollars. This arises from the circumstance that William Beatty, who for many years has had charge of the books in which are kept the accounts of taxes on non-resident lands, and all matters connected with the sales of lands for taxes, has given notice of his intention to leave the office in the course of the present year. It was deemed important that another clerk should be appointed in order that he might have the benefit of Mr. Beatty's instruction a few months previous to his

withdrawal from the office. This occasions, for the time being, one clerk more than the ordinary business of the office requires.

To defray the expenses growing out of this arrangement, and to cover the sum advanced to John Nugent during his sickness, an appropriation will be necessary. It has been usual in years past, since the great increase of the business of this office, growing out of the canal system, to appropriate one thousand dollars for extra clerk hire; and such appropriation is respectfully recommended for the current year.

Respectfully submitted.

A. C. FLAGG,
Comptroller.

IN SENATE,
January 23, 1834.

REPORT

Of the committee on roads and bridges, on the petition of inhabitants of Rockland county.

The committee on roads and bridges, to whom was referred the petition of thirty-one inhabitants of the county of Rockland,

REPORT:

That the petitioners pray for several amendments of the Revised Statutes, in relation to the regulation of highways. The first difficulty of which they complain, arises from the provisions contained in the first section, at page 502, of the 1st volume of the Revised Statutes. The fourth subdivision of the section, makes it the duty of the commissioners, "to divide their respective towns into so many road districts as they shall judge convenient, by writing under their hands, to be lodged with the town clerk, and by him to be entered in the town book; such division to be made annually, if they shall think it necessary, and in all cases *to be made at least ten days before the annual town meeting.*"

The petitioners seem to understand this part of the law, as prohibiting every alteration of road districts, unless such alteration be made *within ten days next preceding the annual town meeting*; but your committee understand the meaning of the provision to be precisely the reverse of that construction, and that the commissioners *are not restrained* from making the necessary alterations in the road districts at *any time*, except within the ten days next preceding the annual town meeting. It is true, as the petitioners suggest, that such alterations in any one road district can only be made annually; but the committee consider the restriction a salutary one, and cannot recommend any alteration.

The next provision of which the petitioners complain, will be found in the fourteenth section, page 504, and is in the following words: "If *any* person chosen to the office of overseer of highways shall refuse to serve, or if his office shall become vacant, the commissioners of highways of the town shall, by warrant, under their hands, appoint some other person in his stead; and the overseer so appointed shall have the same powers, be subject to the same orders, and liable to the same penalties as overseers chosen in town meeting."

The petitioners complain that this section does not provide for filling a vacancy under a second appointment, or any subsequent vacancy, from which supposed defect they allege that great inconvenience has occurred. But your committee understand the provision differently. The expression is, "if *any* person chosen to the office of overseer of highways shall refuse to serve, or his office shall become vacant," then the commissioners shall appoint, &c. If then the commissioners have power to fill *any* vacancy, or in other words *all* vacancies, what further powers can be necessary under any state of facts? The committee are of opinion that the section affords ample remedy for all the evils complained of, or which can be imagined in relation this part of the act.

The petitioners further represent, that much inconvenience has arisen under the terms of the 56th section of the act, page 515, inasmuch as no provision is made for the attendance of the commissioners on occasions where juries are called to assess damages which the owners of lands may sustain in consequence of laying out roads, or in cases of alterations, alleging that an instance has occurred where a jury has failed to perform its duties, for want of the necessary information. The law directs, that when the commissioners shall determine to lay out a highway, they shall make out and subscribe a certificate of such determination, describing the road so laid out particularly, by routes and bounds, and by courses and distance, and shall deposit the same with the town clerk. Upon the application of the commissioners of highways, or of the owner of the lands through which such highway is laid out, to any two justices of the town, they shall issue their warrant to some constable of some other town, directing him to summon a disinterested jury to assess the damages, and shall therein specify the time and place at which the jury shall meet. The justices, of course, are to attend at such time and place, as it is made their duty to draw and

swear the jury, and to receive and certify the verdict, and deliver it to the commissioners. Under these directions of the law, the committee can hardly conceive it possible that any necessary information can be withheld from the jury through any defect in the act, when it is considered that the justices are bound to specify in their warrant for summoning a jury, so much as will insure their acquaintance with the previous proceedings as may be necessary to enable them to afford the jury all necessary light. Indeed, so far as the committee have witnessed the course of proceedings in similar cases, the justices have, before issuing their warrant for summoning a jury, been possessed of a description, and the minutes of a survey of the road, to which their warrant, upon the return thereof, was attached, together with the subsequent proceedings, and the whole, thus comprising a history of the whole transaction, returned to the proper officer.

It seems desirable that frequent alterations of public laws should, as far as possible, be avoided; as such alterations are always attended with some degree of inconvenience; and the benefits or policy of amendments, in every case of unimportant defect or harmless obscurity, may well be doubted. But in the present case, the committee has no doubt, that the existing law, if rightly applied, will be found sufficient for all the purposes sought for by the petitioners. The committee are therefore of opinion, that it is not expedient to grant the prayer of the petitioners.

D. M. WESTCOTT, *Chairman.*

No. 23.

IN SENATE,
January 24, 1834.

PETITION

**Of the managers of the New-York Institution for
the Blind.**

To the honorable the Legislature of the State of New-York.

The petition of the managers of the New-York Institution for
the Blind,

RESPECTFULLY REPRESENTS:

That your petitioners, impressed with the unfortunate and neglected condition of the blind, associated for the purpose of meliorating their misfortunes, and of softening the hardship of their afflictions, by making them useful, industrious and intelligent, by means of instruction, both intellectual and mechanical.

In compliance with these intentions, an application was made to your honorable body in 1831, and in April of that year, an act was passed, giving corporate powers to a society by the title of the "*New-York Institution for the Blind.*" Soon after the passage of this act, measures were taken to carry its objects into effect, and how far the managers have been successful, will be shown by the following statement of its progress and present condition.

The Institution was located in a hired building in the city, until the latter part of October, 1833, when it was removed to the suburbs. It is now established on the 8th Avenue, between 33d and 34th-sts., a short distance beyond the paved parts of the city, where two acres of ground, (making 32 city lots,) and buildings thereon, capable of accommodating one hundred pupils, have been gratuitously leased to the managers of the Institution, for the term of

nine years. The lease contains a covenant by which the proprietor binds himself to sell at any time within the period of the lease, the ground and buildings, for \$10,400, together with five per cent interest. A recent sale of lots adjacent, has shown this amount to be not one-half the value of the property. The site is a beautiful and an eligible one, on rising ground, overlooking the Hudson river and the Jersey shore. The owner was aware of the value of the property and buildings, and has thus in fact conveyed to the Institution as a donation, more than \$10,000, provided the managers purchase the premises before the expiration of the lease, as their duty will prompt them to do.

This munificent provision by a single individual, is one among many other evidences of the interest which has been excited in behalf of those unfortunately deprived of sight. The gentleman who has contributed so largely to the permanent establishment of an asylum for the blind, is a well known merchant in the city of New-York, and the managers take great pleasure in stating that they are indebted to Mr. James Boorman for this liberal and philanthropic gift.

The corporation of the city of New-York has given a donation of \$500, and made some provision for those children who became blind in the alms-house, of which there are eight now in the Institution. This provision however, is wholly inadequate to meet the expense of their support, instruction, clothing, and other incidental expenses.

To a number of individuals, the Institution is greatly indebted for their contributions during the past summer, which have enabled the managers to receive an additional number of pupils, pay the current expenses, to repair, furnish, and occupy the building on the 8th Avenue, and leave them in possession of \$3,400, which has been put out at interest, until required in the ordinary operations of the Institution.

The condition of the Institution at the present time is prosperous beyond expectation; but it must be evident that the interest of \$3,400, a small annual appropriation by the corporation, a few yearly subscriptions, and no other certain and available means, will be very inadequate to the clothing of some, and the support and instruction of all the pupils, now amounting to twenty. Many others might be immediately received, if the funds of the Institution would

permit. Under these circumstances, the managers do not hesitate to call upon the legislative authority of the State, to make some general provision for the destitute blind. As the majority of those who are afflicted with blindness is among the less wealthy portion of the community, this Institution must in a great degree be a charitable one, but it is nevertheless intended to receive those in better circumstances, and to charge them accordingly.

This Institution is under the general direction and superintendence of Dr. John D. Russ, who for nearly two years has devoted himself gratuitously to the care and instruction of the blind; but in removing him from the sphere of his usefulness in his professional pursuits in the city, to the direction of the asylum on the 8th Avenue, it has become necessary to compensate him for his services, now wholly confined to this object. The domestic arrangements of the asylum are entrusted to a widow lady, who having a blind daughter, feels sensibly for the afflictions of others similarly situated, and is giving her services without compensation.

In the mechanical department, the managers (after trials and difficulties of various kinds,) have the pleasure to inform your honorable body, that they are now well supplied with a conductor in the efficient services of Wm. Murray, a young man who is himself blind, and who knows how to bear with patience the awkwardness of beginners in acquiring those trades to which he has been brought up in the school for the blind in Edinburgh, and a knowledge of which he can impart to others in his own condition. This acquisition is the result of a correspondence with the directors of the Institution in the capitol of Scotland, to whom application was made for such an instructor. Murray arrived here in October, (1833) and thus far has given entire satisfaction, and practical demonstration of his ability in making baskets, mats and mattresses. Some of the male pupils have made respectable progress in these arts, and the managers have the satisfaction to state their belief, that by these, and some other employments, the blind will be enabled to support themselves decently and reputably. A female (not blind) who is skilful in making fancy willow baskets, also resides at the asylum, where she has made herself highly useful in this and other employments.

The before mentioned trades, together with weaving, will probably be the principal ones for males, hereafter to be pursued with a prospect of successful and useful results. The females, in addi-

tion to intellectual instruction, will be engaged in sewing, knitting, basket-making, &c. Music is successfully taught to both males and females.

The time of the pupils is now divided into three parts, one for intellectual instruction, one for work, and one for music. A part of each evening is devoted to music at the asylum, to enliven the tedium and perpetuity of darkness, as well as for future usefulness.

The Institution is thus progressing with steadiness and perseverance towards the accomplishment of its great design, the melioration of the condition of the blind. The success which has crowned the exertions of the managers, leads them to hope for further encouragement and support; and that those in other parts of the State may participate in the benefits to be derived from this Institution, they respectfully solicit attention to the subject, and some general provision by the Legislature, similar to that for the deaf and dumb, by which every part of the State may send their indigent blind to this Institution.

By the United States' census of 1830, there were ascertained to be more than 700 blind persons in the State of New-York. If we calculate, as has been done with the deaf and dumb, that one-third are too young, and one-third too old for instruction, the remaining third of middle age, will amount to two hundred and forty-one, and with the increase of population, to three hundred or more, constantly requiring the fostering care of this Institution. Its permanent establishment having now become a matter of certainty, the Legislature will have the assurance and satisfaction to know that any appropriation they may make, will be faithfully and economically applied to the objects intended.

The prayer of your petitioners, therefore, is, that this Institution may be sustained by the honorable the Legislature, by such provisions as the expanded benevolence and utility of the undertaking may seem to warrant. Your petitioners would respectfully suggest, that an appropriation of \$12,000 be made, to enable them to purchase the ground and buildings where the Institution is now established, and to put them in complete repair; that six or more indigent blind persons, between the ages of eight and twenty-five years, be authorised to be received from each senatorial district, in the same manner, and at the same expense to the State, (\$130 per annum,) as is provided for the indigent deaf and dumb, and that

five years be allowed as the greatest extent of time that State pupils shall be received and retained, during which time each pupil shall be instructed in some trade or employment carried on in the said Institution.

All of which is respectfully submitted, and for which, as in duty bound, your petitioners will ever pray.

By direction of the managers,

GIDEON LEE,
SAMUEL AKERLY,
C. BOLTON,

Committee.

New-York, Jan. 6th, 1833.

Pupils in the New-York Institution for the Blind.

1 John Whitley, born in Poughkeepsie, N. Y. aged 18 years.		
2 Charles O'Connor, Charleston, S. C.	" 11 "	
3 George Watkins, New-York, died of cholera,	" 10 "	
4 Michael McGuire, Long Island, N. Y.	" 7 "	
5 Patrick Lane, New-York,	" 9 "	
6 Francis Maynier, do	" 8 "	
7 Mary Wessails, do	" 12 "	
8 Ann Smith, Pittsburgh, Penn.	" 9 "	
9 George Beebe, Caldwell, Essex co., N. Y.	" 22 "	
10 Henry Beebe, do do	" 18 "	
11 Cornelia Lawrence, New-York city,	" 11 "	
12 James Britt, do	" 12 "	
13 Michael Henright, St. Johns, N. B.	" 11 "	
14 Martin O'Connor, Charleston, S. C.	" 10 "	
15 E. Clarke McBride, Montgomery, Orange co.	" 22 "	
16 Imogine Hart, New-York,	" 8 "	
17 John Henderson, do	" 11 "	
18 William Duff, Ireland,	" 22 "	
19 Cynthia Bullock, Lyons, Wayne co. N. Y.	" 12 "	
20 Catharine Kennady, New-York,	" 13 "	
21 Joseph Laza, Brooklyn, N. Y.	" 17 "	

No. 24.

IN SENATE,

January 24, 1834.

REPORT

**Of the select committee, on the petition of Gilbert
D. Dillon.**

Mr. Sudam, from the select committee, to whom was referred
the petition of Gilbert D. Dillon, of Kingston, in Ulster county,

REPORTED:

That they have had the same under their consideration, and
think it a proper case once more to submit to the consideration of
the Legislature. The report of the standing committee sets forth
at large the grounds of the application, to which the committee
respectfully beg leave to refer.

The committee report a bill for the relief of the petitioner.

No. 25.

IN SENATE,

January 27, 1834.

REPORT

Of the committee on canals, on the petition of Ogden Mallory.

Mr. Hubbard, from the committee on canals, to which was referred the petition of Ogden Mallory, for compensation done on the Oswego canal,

REPORTED:

That a similar petition was last year presented to the Senate, and referred to the same committee. After a full investigation, they reported against the prayer of the petitioner. It was afterwards alleged that new evidence had been discovered, and the subject was referred back to the committee. A new investigation took place, which resulted in another report against the claim. These reports will be found at length in the Senate Documents of 1833, to which the committee respectfully refer the Senate.

The only new reason given by the petitioner why his claim should be allowed, is, that "the expense of constructing lock No. 10 was enhanced at least one thousand dollars, by reason of the Canal Commissioners causing a high dam to be constructed across the Oswego river, near its location, which caused the water to rise so high as to seriously impede the progress of the work, and greatly increase its expense." The petitioner alleges, that "he is informed and believes, that the erection of the said dam was not contemplated when the contract for the construction of said locks was entered into." Had the petitioner established this allegation by sufficient proof, he would unquestionably have been entitled to compensation to the amount of damages sustained. He has entirely failed. The committee, therefore, have come to the conclusion

that the prayer of the petitioner ought to be denied, and they offer the following resolution.

Resolved, That the petitioner have leave to withdraw his petition.

No. 26.

IN SENATE,

January 28, 1834.

REPORT

**Of the Canal Board, on the petition of Peter Failing,
Horton Twitchell and Henry Hill, referred to the
Board by the Senate.**

The Canal Board, on the reference from the Senate, of the petition of Peter Failing, Horton Twitchell and Henry Hill,

RESPECTFULLY REPORT:

That the petitioners claim an allowance in addition to that which has already been made to them, on a contract originally taken by James Beard and Simeon Jenks, to construct and finish section number six, of subdivision number five of the Oswego canal, and which contract was assumed and executed by the petitioners.

The petitioners now state, "that various alterations were made in said contract during the progress of the work, by the direction of the engineer." The petition presented to the Canal Board in 1828, a copy of which is annexed to this report, does not claim an extra allowance on account of the alterations of the work by direction of the engineer. In referring to the minutes kept by the engineer, it appears that alterations were made on this section after the contract was made: but the contractors were compensated for the extra labor occasioned by these alterations, by the acting Commissioner.

In the book kept by the engineer, and now deposited in the Comptroller's office, the following entry is made: "After this contract was taken by Failing & Co., there was an alteration made in it, which was necessary to complete the alteration spoken of on section number five. In consequence of this alteration, the contractors were obliged to excavate the canal for about thirty rods,
[Senate No. 26.]

about seven feet deeper than before, and in this plan they have been allowed 20 cents a cubic yard, instead of 8½ the contract price, which is a full equivalent for the alteration, particularly so, as they did not excavate only a small portion of the deep cut, but abandoned it; all the rest of the alteration was beneficial to the contractors." This allowance explains the omission of this part of the claim in the petition presented to the Canal Board in 1828, when the acting Commissioner and engineer were present. It is due to the petitioners to say, that although they allege that alterations were made in the contract by direction of the engineer, they do not set up any specific claim for an extra allowance on that account.

The petitioners set forth the application to the Canal Board in 1828, and the testimony of the engineer, Wm. Jerome, and express a belief that it was the intention of the Board to have allowed them four cents extra per cubic yard, instead of two and an half cents, the sum which was paid. In this particular the petitioners are mistaken. This is conclusively demonstrated, by applying the testimony to which the petitioners refer, to the law under which the Canal Board made the allowance.

The law giving the Canal Board power to make extra allowances to contractors, is in the following words, to wit: "Such extra allowance shall not be made for, or include, losses resulting to the contractor from the unfavorable terms of his contract, but shall be confined to an indemnity for extra expenses and labor, in constructing the work contracted for, occasioned either by new directions given by a Canal Commissioner, engineer, or superintendent of repairs, after making the contract, or where, in consequence of the work proving to be of a different character or description than it was contemplated to be by the Commissioners, or engineer, at the time of making the contract."

The engineer states in his testimony, a copy of which is annexed, that he originally estimated the excavation on this section of the canal, at 10 cents per cubic yard: but it proved to be worse than he anticipated, and after the work was done, he became convinced that the excavation was worth twelve and an half cents per cubic yard. The section before quoted, prohibits an allowance for "losses resulting to the contractor from the unfavorable terms of his contract," and the Canal Board could not have made the allowance of four cents per yard, the difference between the contract

price and the value of the work, without a palpable violation of the law referred to. The Canal Board on the testimony of the engineer, could only allow the difference between his estimate, or contemplation of the value of the excavation (10 cents per yard) at the time the contract was made, and his estimate of the value (12½ cents per yard) after the work was done. In this way the contractors lose the difference between the original estimate of the engineer and the contract price; which in this case is a cent and an half per cubic yard.

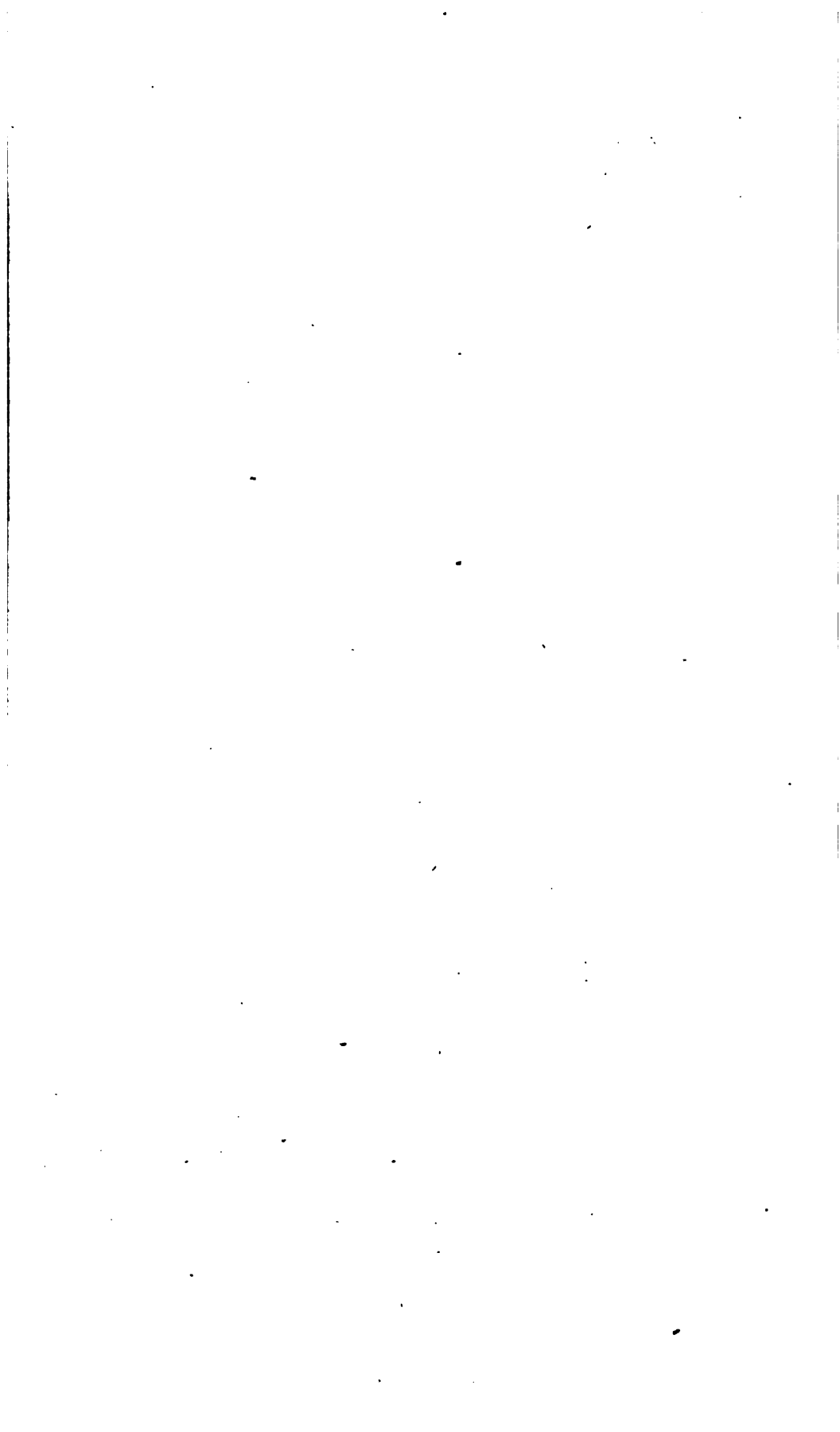
The practice of underbidding at the letting of canal contracts, and of getting possession of jobs without any expectation or intention of executing them at the contract price, was an evil which those who framed the law in question, intended to discountenance, and hence the provision that extra allowances "shall not be made for, or include losses resulting to the contractor from the unfavorable terms of his contract."

The case of Failing, Twitchell & Co., was decided upon the same principles which have been applied by the Canal Board in all applications for extra allowances. If this case is opened, and an allowance is made to indemnify these petitioners, for "losses resulting from the unfavorable terms of their contract," a precedent would be established for reviewing every such case which has been decided by the Canal Board since the law in question was passed. The cases of extra allowance are very numerous, and the total sum allowed under the law in question has been more than one hundred thousand dollars.

The petitioners suffered severely by sickness, and no allowance could be made by the Canal Board on this item of their claim. The engineer, as will be seen by reference to his testimony, estimated the loss of the contractors on account of sickness at \$627.30, which was 10 per cent upon the whole amount of their contract.

Albany, January 28, 1834.

A. C. FLAGG,
S. YOUNG,
WM. C. BOUCK,
JONAS EARLL, JR.
MICHAEL HOFFMAN,
GREENE C. BRONSON,
JOHN A. DIX,
A. KEYSER.



DOCUMENTS.

PETITION.

To the honorable the Canal Board of the State of New-York.

Your petitioners being contractors for making section No. 6, subdivision of No. 5, on the Oswego canal, beg leave to represent, that this section proved to be much harder and more difficult to make than was expected at the time of making such contract.

Your petitioners did believe that the most part which we excavated was muck and easy clay; but it proved to be, (after taking off the muck,) a hard clay mixed with stone and gravel, which enhanced the expense materially, in labor and in tools. And in consequence of the river being higher last season than usual, we were obliged to keep six men employed days, and two men employed nights, for a considerable length of time in order to keep the water from the laborers in the excavation. And in consequence of the sickness that prevailed on this section and its vicinity, we were under the necessity of raising the wages from twelve to fourteen, and some as high as seventeen dollars per month, for common laborers, and pay physicians for attending to the sick, purchase coffins and grave clothes, and attend with hands to bury the dead. To conclude, we the contractors were all of us taken sick and removed from the job. Your petitioners, therefore, claim the sum of two thousand eight hundred and fifty dollars, as a reasonable compensation for the extra labor and expense on the above section.

Dated Albany 23d Feb. 1828.

(Signed)

FAILING, TWITCHELL & Co.

By HENRY HILL.

TESTIMONY.

February 29th, 1828.

Testimony taken by the Canal Board, in the case of the petition of Failing, Twitchell & Co. for an extra allowance on their contract to construct subdivision No. 6, of section No. 5 of the Oswego canal.

• Petition read.

William Jerome was called, and testified that he was an engineer on the Oswego canal, and superintended the execution of the con-

tract of the petitioners. He thinks the job was worse than he anticipated it would be. His original estimate for the excavation was 10 cents per yard: he now thinks it worth 12½ cents: making a difference of \$858.91.

This contract was on the sickly part of the canal, which greatly increased the price of labor. The whole amount of the contract was \$6,278. And witness estimates the loss of the petitioners, on account of sickness, at 10 per cent on that amount, or \$627.30.

The item for sickness was disallowed.

Whereupon, the Board

Resolved, That there be allowed to Failing & Twitchell, over and above the contract price to construct subdivision No. 6, of section No. 5 of the Oswego canal, the sum of \$858.91, to be paid by the Canal Commissioners.

IN SENATE,

January 28, 1834.

REPORT

Of the Canal Commissioners, on the petition of E. S. Granger, and others.

The Canal Commissioners, to whom was referred by the honorable the Senate, on the 23d of March, 1833, the petition of Elizabeth S. Granger and others, with the following resolution:

“Resolved, That the committee on canals be discharged from the further consideration of the petition of Elizabeth Granger and others, and that the same, with the accompanying documents, be referred to the Canal Commissioners, and that the said Commissioners, cause an inquiry to be made of the nature and extent of the injury complained of by the said petitioners, and of the mode and measure of redress fit and proper to be pursued; and that they report their opinion thereon to the Senate at the next session of the Legislature”—

REPORT:

The Commissioners made a report to the Senate upon these petitions on the 16th day of March, 1833, which will be found in Senate Documents No. 78. By that report it will be seen, that whatever claims the petitioners had upon the State for the flowing of their lands by the State works at Black-Rock harbor have been passed upon by the canal appraisers, which, in the opinion of the Commissioners, is final and conclusive as to that part of the claim.

In the report above referred to, the Commissioners stated that the construction of the dam and pier at Black-Rock has caused the injury complained of by the petitioners, but that they did not know the extent of it.

The Seajockety creek, previous to the erection of the public work at Black-Rock, was a deep and sluggish stream for about one mile from its entrance into the harbor. It is believed from what is now recollected of the character of this stream, that it must have been more or less unhealthy in its vicinity.

The dam at the foot of the harbor has raised the water in this stream about four feet above its natural level, and has flowed some additional land on its margin. On a portion of this, there was growing timber, and it is more than probable that the causes for disease have been increased by the erection of the dam.

During the past season, the Commissioners directed an engineer in their employ, to ascertain the most feasible plan to remove the difficulties complained of by the petitioners. The engineer has reported two plans. *First:* To reduce the water in Seajockety creek to its natural level by constructing a dam across this stream near its mouth, divert its water into Cornelius' creek by excavating a channel half a mile in length, and pass the water of both streams under the canal into the Niagara river. *Second:* Connect the water of Seajockety creek with Cornelius' creek, by an artificial channel. The first of these plans he supposes would remove the difficulty complained of, and the second would afford partial relief. The second plan is based on the supposition, that as the water in the former stream is generally on a higher level than the latter, a current of water might be made to pass from the harbor and Seajockety creek, through an artificial channel into Cornelius' creek.

The expense of the first plan he estimates at about \$8,000, and the latter at \$5,000. This estimate is founded on personal observation; time and circumstances not permitting an actual survey.

It is no doubt practicable to reduce Seajockety creek to its natural level, when in an ordinary state of low water, but it would be inexpedient, if not impracticable, to pass the flood water of these streams in a culvert under the canal, into the Niagara river. If the first plan should be adopted, it would be necessary to place a guard-gate in the artificial channel connecting these streams. This gate should be closed during floods, and the water of Seajockety creek permitted to pass down its natural channel over the dam into the harbor. It is apprehended, that if a dam was thrown across Seajockety creek, and the water above it reduced to its natural level, it would be more stagnant than it is in its present situation, as a circulation of water from the harbor would be excluded.

This result would no doubt put this stream in a worse condition than it is at present. And to obviate this, it would be necessary to put a gate in the dam, through which the water from the harbor should pass, during the summer season, when the creek is low.

Cornelius' creek is taken into the canal near the Niagara river, and at this point has a deep channel, with a bottom composed of a deposit of sand and mud, brought down by the current when the stream is swollen by rains.

To construct a culvert in such a place, of sufficient capacity to answer a useful purpose, on the plan suggested, would be difficult and expensive.

It was foreseen when the canal was constructed, that it would be desirable to pass the water of this stream under the canal into the Niagara river, but it was avoided on account of the difficulty and expense which would attend its execution.

The Commissioners do not believe that any material benefit would result from such a current of water as would be made by an artificial channel, connecting the Seajockey and Cornelius creek. The former of these streams has probably an average width of 120 feet, and an average depth of eight feet, from the harbor to the point where it is proposed to cut a channel, to form a connection with Cornelius' creek. If this channel was of sufficient size, it would no doubt produce some current in Seajockey creek, when the water in the harbor is on a higher level than in the canal where it receives Cornelius' creek, but this is not always the case.

The Commissioners believe that the most effectual method of removing the complaints of the petitions, would be to throw a dam across Seajockey creek near its mouth, to cut a channel from this stream to Cornelius' creek, to place a gate in this channel to guard against the flood, to put a culvert under the canal to pass the water into the Niagara river, and to place a gate in the dam, in order to pass the water from the harbor into the creek during summer.

The execution of this work would be attended with a heavy expense, and the Commissioners entertain the opinion, that it should not be incurred, and certainly not, until it should be ascertained that a more simple remedy (which will be suggested) should not materially improve the condition of things.

The petitioners allege, that "the heavy growth of timber standing upon the land flowed by water being nearly dead, and in a state of rapid decay, the limbs and branches daily falling into the stagnant pool that covers the surface, thereby exposing it to the sun, and increasing the yearly growth and decomposition of aquatic vegetation, must necessarily increase, in the same proportion and to a more fearful extent, the poisonous exhalations emanating therefrom."

The Commissioners have no doubt, that in the preceding extract from the memorial, the petitioners represent the most prominent causes of disease; and they would recommend that this prominent cause should be obviated, by the simple process, on the part of those who complain, of removing the trees, limbs, and brush above the surface of the water and on the margin of the stream. This could be done effectually, and at a small expense, in the winter season, when the pond is covered with ice, and the water is generally lower than it is in the summer season.

JONAS EARLL junior,
WM. C. BOUCK,
S. YOUNG,
MICHAEL HOFFMAN.

January 27, 1834.

No. 28.

IN SENATE,
January 23, 1834.

ANNUAL REPORT

**Of George Seaman, an Inspector of Pot and Pearl
Ashes in the City and County of New-York.**

To the Honorable the Legislature of the State of New-York.

Annual report of pot and pearl ashes inspected in the county of New-York, for the year commencing on the first day of January, one thousand eight hundred and thirty-three, and ending on the thirty-first day of December, in the same year.

The average price of which, and the probable value thereof, as near as I have been able to ascertain the same, is set opposite to the respective qualities and quantities hereinafter mentioned and expressed.

ANNUAL

lencing on theg on the thirty-
of December
n able to ascenafter mentioned
ad expressed,

unds,	Average	....	\$553,685 97
"	"	....	45,660 08
"	"	....	4,600 80
"	"	....	1,362 88
"	"	....	196,830 70
"	"	....	16,891 76
"	"	....	1,492 08
"	"	....	150 02

unds of pot and p
unds of scrapings..... 4,709 02

unds. same, \$825,383 31

18,692 94	:	165 50
3,045 69	||	234 69
		000 00
21,738 63		133 59
17,433 78		
		133 78
4,304 85		

not know of any le
the quantity or in

All of which is

-York.

IN SENATE,
January 25, 1834.

FIRST REPORT

**Of the Trustees of the Greenwich Savings Bank,
for the year 1833.**

Pursuant to the provisions of an act, entitled "An act to incorporate the Greenwich Savings Bank," the trustees now beg leave to present their first

REPORT, AS FOLLOWS:

First.—That the trustees have received from eight hundred and eighty-three depositors, from the first of July, to the thirty-first of December, 1833, the sum of seventy-eight thousand and ninety-nine dollars and nine cents, in the following manner:

In the month of July,	from 217 depositors,	\$26,993 36
“ “ August,	“ 124 “	8,588 23
“ “ September,	“ 202 “	15,729 00
“ “ October,	“ 81 “	4,830 50
“ “ November,	“ 83 “	5,674 00
“ “ December,	“ 176 “	16,284 00
	<u>883</u>	<u>\$78,099 09</u>

of which number 500 are new accounts opened with the bank,
and 383 are re-deposits,

883

Second.—That the sum of seven thousand, one hundred and eleven dollars and twenty-five cents, has been drawn out by one hundred and seven depositors. Of this number, thirty-four have closed their accounts.

[Senate No. 29.]

In the month of July,	paid	3 drafts,	\$946 00
" " August,	"	9 "	1,175 00
" " September,	"	15 "	1,533 25
" " October,	"	22 "	1,211 00
" " November,	"	24 "	721 00
" " December,	"	34 "	1,525 00
		<hr/>	
		107	\$7,111 25
		<hr/>	<hr/>

Third.—The depositors have been classed under the following heads of professions and occupations:

Artificial fruiterer,	1	Deputy-sheriff,	1
Agent of State Prison, ...	1	Engineers,	2
Blacksmiths,	10	Founders,	2
Boarding-house keepers, ..	2	Fancy store-keepers,	3
Bookbinder,	1	Farmers,	7
Brass nail maker,	1	Gold and silver refiner, ...	1
Barber,	1	Gardeners,	5
Botanist,	1	Grocers,	7
Bakers,	6	Gold hand watchmaker, ..	1
Bar-keepers,	4	Groom,	1
Builder,	1	Gilder,	1
Bricklayer,	1	Gunsmith,	1
Bleacher,	1	Hat-trimmer,	1
Blind-maker,	1	House carpenters,	7
Classical teacher,	1	House smith,	1
Comb-maker,	1	Image-maker,	1
Cartmen,	27	Joiner,	1
Cordwainers,	6	Jeweller,	1
Clerks,	18	Keepers of State Prison, ..	2
Coachmen,	2	Laborers,	19
Confectioners,	2	Lamp-lighter,	1
Card-makers,	2	Letter-carrier,	1
Chair-maker,	1	Masons,	21
Carpenters,	46	Millwright,	1
Cabinet-makers,	5	Marble-polishers,	2
Coopers,	2	Marble-cutters,	2
Copper-plate printers, ...	2	Mechanist,	1
Clergyman,	1	Milkmen,	3
Custom-house officer,	1	Milliners,	3
Cook,	1	Minister of the Gospel, ...	1
Carpet-weaver,	1	Market-women,	1
Coach-trimmer,	1	Merchants,	2
Carver,	1	Nurses,	2
Dyers,	2	Oyster stand,	1
Dealer,	1	Oyster-house keeper,	1
Domestics,	13	Plaisterer,	1
Dress-makers,	7	Porter-house keepers,	2

Physicians,	3	Spooler,.....	1
Piano forte makers,	2	Saddle and harness-maker,	1
Painters,	2	Tailors,	9
Porter,	1	Tailoresses,	13
Printers,	2	Tavern-keepers,.....	4
Paver and collector,	1	Teachers, male,	3
Riggers,.....	2	Teachers, female,.....	2
Shopkeepers,.....	9	Tallow chandler,.....	1
Stone-cutters,	11	Trunk box-maker,	1
Sawyers,.....	2	Trunk-maker,	1
Stocking-maker,.....	1	Upholsterer,	1
Seamstresses,	6	Varnish-makers,.....	2
Stone polisher,	1	Wheelwrights,	4
Stock-maker,.....	1	Weavers,.....	8
Sea captain,	1	Waiters,	3
Servants,.....	6	Weigher of coal,.....	1
Shoe-makers,	5	Wood inspector,.....	1
Soap-maker,	1	Washer,	1
Student,.....	1	Not described, being mi-	
Silversmith,	1	nors, &c.	93
Store-keepers,	2		
Stove-maker,	1		500
Shipwright,.....	1		<u>184</u>

DESCRIPTION OF PERSONS.

Widows,	23	Trustees, deposits in trust	
Minors,	18	for children, orphans, ap-	
Single women,	56	prentices, &c. &c.	75
Colored persons,.....	12		<u>184</u>

Fourth.—The deposits have been made in the following sums:

From	1 to	5 dollars,.....	112
"	5 to	10 "	89
"	10 to	20 "	119
"	20 to	30 "	100
"	30 to	40 "	51
"	40 to	50 "	95
"	50 to	60 "	32
"	60 to	70 "	20
"	70 to	80 "	19
"	80 to	90 "	6
"	90 to	100 "	65
"	100 to	200 "	72
"	200 to	300 "	50
"	300 to	400 "	20
"	400 to	500 "	20

From	500 to	600 dollars,.....	3
"	600 to	700 "	2
"	700 to	800 "	1
"	800 to	900 "	1
"	900 to	1,000 "	3
"	1,000 to	2,000 "	2
"	2,000 to	3,000 "	1
			<hr/>
			Total, 883

The funds of this institution remain uninvested in public stocks, but are deposited in the Greenwich bank, and receives interest at the rate of five per cent per annum, and is considered as a temporary loan.

GEORGE SUCKLEY, *President.*

[L. S.]

W. H. RODMAN, *Secretary.*

Greenwich Savings Bank, January 21st, 1834.

The Greenwich Savings Bank, in account current with John R. Satterlee, Treasurer.

1833.		DR.	
July,	To cash paid to depositors,.....		\$946 00
"	" expenses,	\$66 07	
August,	" to depositors,.....		1,175 00
"	" expenses,	40 86	
September,	" to depositors,.....		1,513 25
"	" expenses,	57 25	
October,	" to depositors,.....		1,231 00
"	" expenses,	10 25	
November,	" to depositors,.....		721 00
"	" expenses,	1 79	
December,	" to depositors,.....		1,525 00
"	" expenses,	35 94	
		\$212 15	\$7,111 25
1834.	Total amount expenses,		212 15
January 1,	To balance carried down,		71,790 07
			<u>\$79,113 47</u>

1833.		CR.	
July,	By cash received from depositors,.....	\$26,993 36	
August,	" " "	8,588 23	
September,	" " "	9,297 00	
October,	" " "	11,261 41	
November,	" " "	5,674 04	
December,	" " "	16,284 00	
			<u>\$78,098 04</u>
1834.	January 1, By cash received per interest on account with Greenwich bank,.....		1,015 43
			<u>\$79,113 47</u>
1834.	January 1, By balance brought down,.....		\$71,790 07

Errors excepted.

J. R. SATTERLEE,

New-York, January 21st, 1834.

Treasurer.

No. 30.

**IN SENATE,
January 29, 1834.**

REPORT

**Of the joint committee of the Senate and Assembly
to examine the Treasurer's accounts.**

The joint committee appointed for the purpose of examining the Treasurer's accounts, by concurrent resolution of both Houses of the Legislature, in pursuance of the provisions of the Revised Statutes on that subject,

RESPECTFULLY REPORT:

That they have examined, compared and computed the amount of all moneys received into and paid out of the treasury, during the year commencing the first day of October, 1832, and ending on the 30th day of September last, both days included; from which it appears, that during that time, there has been received into the treasury, from all sources, the sum of \$2,500,857.72, which, added to \$288.37, the amount of the balance therein at the expiration of the preceding fiscal year, makes the sum of \$2,501,146.09.

The committee has also carefully examined the warrants drawn by the Comptroller upon, and paid by the Treasurer during the same period, which amount to the sum of \$2,415,346.99, leaving a balance in the treasury on the first day of October last, of \$85,799.10.

From the bank book of the Treasurer, kept by the Commercial Bank in Albany, it appears that on the first day of October last, there remained to the credit of the Treasurer, \$92,014.58, besides uncurrent bills, \$779.06: And by the certificate of the cashier of the Manhattan Company, it appears that there was a balance there,

on the first of October last, in favor of said Treasurer, of \$12,376.70.

These amounts, so deposited, show an excess of \$19,371.33 above the amount which appears, by the Treasurer's accounts, to be in the treasury; and which is accounted for by the amount of \$17,785.75 unpaid checks, drawn by the Treasurer upon the Commercial Bank on the first day of October last, as appears by the certificate of the Comptroller; and by the amount of uncertified deposits in the Manhattan Company, not charged to the Treasurer in consequence of the certificates thereof not having been produced, amounting to the sum of \$1,585.58, as also appears by the certificate of the Comptroller.

The committee further report, that they have carefully examined the various legislative enactments under which each warrant purported to be drawn, and the vouchers and accounts which constituted the subject of them, respectively. In the multiplicity of drafts, consisting of upwards of 1,800 in the course of the past year, from all parts of the State, under the present regulations of the office, and the legislative provisions on the subject, the modes and character of proof to be relied upon by the Comptroller, as to the correctness of the demands upon the treasury, must, necessarily, be extremely variant. The committee consider that, with the exception of cases where proof of a particular character is required by law to authenticate the claim, the Comptroller is to be the judge between the public and the creditor; and that, with his decision, the committee have nothing to do. These remarks are elicited from the diversity of evidence which has been presented, in the course of our examination, in support of claims of different individuals, growing out of the same provisions of law. To elucidate, by some of the most prominent instances, we would refer your honorable body to the provisions of article 3d, chapter 10, of the first part of the Revised Statutes, entitled "Of compensation and fees of the members of courts martial and other officers." By the 43d section, page 319, of the 1st vol. of Revised Statutes, it is provided, "no payment shall be made to any brigade-inspector until he shall have furnished evidence to the Comptroller of his having made out and transmitted the inspection returns of his brigade to the Adjutant-General, and a copy thereof to his division-inspector." We refer to this provision, the more particularly, because the payments out of the treasury under the above section, annual-

ly, is above \$5,000, and the warrants for sums, varying from \$30 to \$75, are drawn upon evidence, in relation to the furnishing a copy of return to the division-inspector, of the following various kinds: Sometimes the affidavit of the inspector accompanies his account; at others, the certificate of the brigadier-general: Sometimes the certificate of a post-master, that a letter containing the copy has been mailed at his office, directed to the division-inspector; but, by far the greatest number of cases are authenticated by the certificate of the inspector, upon his honor, that the services charged were actually performed. The committee beg leave to call the attention of the Legislature to this subject, that, if deemed advisable, some particular form of proof should be generally required. The committee are of the opinion that by some such provision on the part of the Legislature, it would relieve the officer auditing such accounts from much importunity, and, frequently, from very considerable examination.

Two warrants have been drawn upon the Treasurer in favor of the Central Asylum for the Instruction of the Deaf and Dumb; one for \$471.75, the other for \$480, for the quarters ending, respectively, on the 15th of April and July last. By examining the statutes in relation to the appropriations for this institution, it appears to the committee that the bills for the allowance for board and tuition of the indigent pupils, contemplated by the act, together with the actual time that the same was so furnished, should be certified and signed by the president and secretary of the institution. (See Laws of 1822, page 248, § 5.) The bills furnished as the vouchers, upon which the above two warrants were drawn, were not so certified.

It appears from an examination of the account of moneys paid to the various clerks employed in the Comptroller's office, during the last year ending on the 1st of October, that \$6,569.03 have been paid for those purposes. The sum of \$6,000 per annum, only, is permanently appropriated for defraying this class of expenses.— (See 1st vol. Revised Statutes, page 191, section 10.) We, therefore, recommend that such measures be adopted as may be necessary to provide for the excess, that the books of the department under this head may be balanced.

The committee further report, that although not, perhaps, strictly within the provisions of the statute under which they were appointed, they, upon the invitation of the Comptroller, visited the

Canal Room, where they had explained to them the manner of keeping the accounts, and managing the affairs of this very important branch of the finances of the State. The subject will be presented, by the Commissioners of the Canal Fund, in their annual report, at the approaching session, much more in detail than it has been usual in a single year heretofore; and so much so as to render any particular exposition at our hands superfluous. From the examination which the committee were enabled to bestow upon the subject, they do not hesitate to concur in opinion with the joint committee of 1830, that, so far as the organization of the department, and the system of accountability adopted, is to be regarded, a more complete and perfect system could not be devised.

The committee, in conclusion, would observe, that in the discharge of their duties the Comptroller and Treasurer have afforded them every possible facility in explaining the extensive operations confided to their charge; and the committee cheerfully add, to the expression of their predecessors, their own entire confidence in the integrity, the high qualifications and the unceasing vigilance and assiduity of those public servants, and those under their superintendence, in the discharge of their complicated duties.

THOMAS ARMSTRONG,
ISAAC R. VAN DUSER,
AVERY SKINNER.

No. 31.

IN SENATE,

January 31, 1834.

REPORT

Of the select committee on the Governor's message, in relation to the salt duties, &c.

Mr. Edwards, from the select committee, to whom was referred so much of the message of his excellency the Governor, as relates to the reduction of the duties on salt manufactured within this State, and also the bill referred to them from the Assembly upon that subject,

REPORTED:

That they have examined the subject referred to them, and are fully satisfied that the exorbitant duty which has for many years been imposed upon the salt manufactured within this State ought to be reduced. Although this is an article so indispensably necessary for the use of all classes in community, yet none has been subject to a heavier duty in proportion to its value. In most instances it equals, and in some exceeds in amount the value of the article at the works where it is manufactured. Nor is it probable that a duty so extravagant would ever have been imposed upon an article of so much importance in supplying the necessary wants of every class in community, had it not have been designed to aid the canal fund, to which it has been appropriated, since the present rate of duty was established, which was in the year 1817.

So laudable is the object to which this branch of the revenue has been applied, the consumers have for many years willingly submitted to its payment, and doubtless still would most cheerfully, for the most part, continue to do so, did the public interest require it; but it is now evident that a duty so excessive as that which is now paid, is no longer required to aid the object to which it has so long been

[Senate, No. 31.]

appropriated. The balance of the canal debt, independent of the available means now in the hands of the Commissioners, is estimated at only about \$2,920,084, and we cannot entertain a reasonable doubt, that the remaining appropriations belonging to the Canal Fund, even with such reductions of the tolls as may be thought advisable to secure the western trade, will be amply sufficient to satisfy the balance of the canal debt, long before it is due or can be redeemed.

There can be therefore no good reason why this part of the pledge, we have now a right to take, should be continued in the Canal fund, even if the contemplated reduction should finally reduce the aggregate amount of duties; but the committee by no means concede that the reduction now in contemplation would have that effect. They confidently believe that such a reduction would produce the beneficial result of increasing, rather than diminishing the aggregate amount of the revenue derived from the salt duties. Such has been the practical effect of reducing the canal tolls, in relation to the revenue derived from them; and such, we have reason to believe from analogy, would be the practical effect of reducing the salt duties. In proportion as the quantity of salt increases, and supplies the extensive new markets this reduction will enable it to reach, will the revenue derived from the canal tolls for its transportation also increase; besides it will enable the consumers residing within this State, and who now purchase foreign salt, in all cases where they will hereafter be able to substitute domestic salt for it, to pay into the treasury of their own State, such reasonable duty as they will be required to pay on domestic salt, instead of paying a much higher duty into the treasury of the United States.

As most of the subjects necessarily connected with the one now under consideration, have been elaborately examined by a select committee of the Senate in 1831, and fully reported upon, as will appear from a reference to Document No. 56 of that year; and as his Excellency the Governor so clearly illustrates in his message the propriety of the measure he recommends, in accordance, as the committee believe, with the wishes of the people; they consider it unnecessary to enter more extensively into the examination of the subject referred to them. Having arrived at the conclusion, that the true policy as well as the best interests of the State, require a reduction of the duties to the lowest constitutional limit, they recommend the passage of the bill referred to them from the Assembly for that purpose.

No. 32.

IN SENATE,

January 29, 1834.

REPORT

Of the Bank Commissioners, under a resolution of the Senate, showing the amount of the dividends made by the several banks under their inspection.

TO THE HONORABLE THE SENATE.

The Bank Commissioners, pursuant to a resolution of the Senate of the 11th inst., calling for a statement of the several dividends made by the banks subject to their inspection since the passage of the Bank fund law, the time when such dividends were made, and the amount of reserved profits remaining at the time of each dividend,

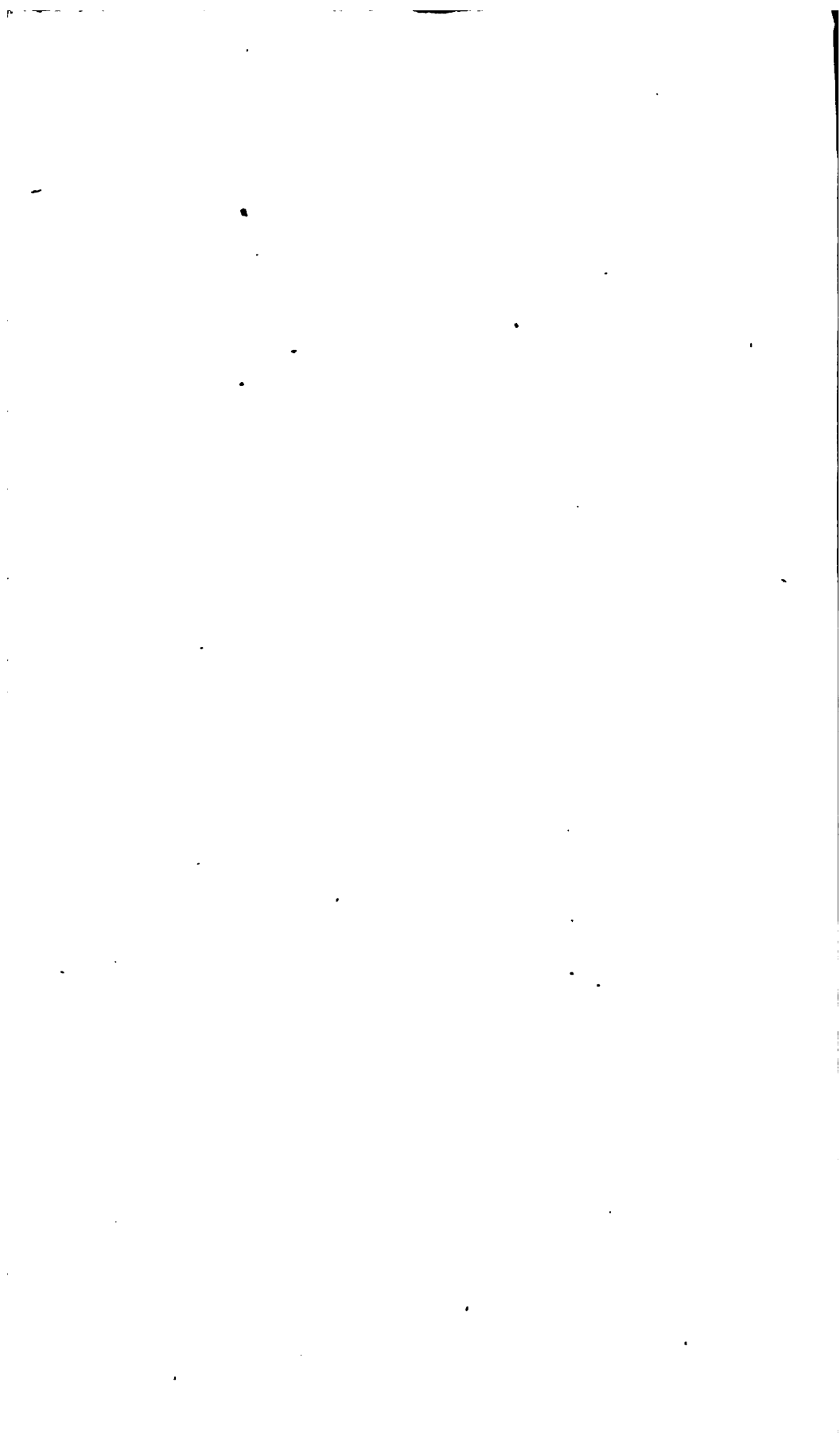
RESPECTFULLY REPORT:

That the annexed statement contains the amount of dividends made by each of the banks referred to within each year, and the amount of profits on hand on each first of January.

It is not in our power, from any papers in our possession, to give date and amount of each dividend separately, and the profits on hand at the time of making them; but probably the information contained in the statement annexed will answer the purposes intended by the resolution.

Albany, 28th January, 1834.

C. STEBBINS,
GEO. R. DAVIS,
LEWIS EATON,
Bank Commissioners.



Statement of Bank Dividends and Profits from 1830 to 1884.

BANKS.	Dividends. 1830.	Profits 1st Jan. 1831.	Dividends 1831.	Profits 1st Jan. 1832.	Dividends 1832.	Profits 1st Jan. 1833.	Dividends 1833.	Profits 1st Jan. 1834.
Bank of Newburgh,	\$24,900	15,577	9,800	25,143	16,000	26,448	16,000	31,725
Catakill Bank,	18,750	8,384	13,500	17,853	21,750	15,949	21,750	15,072
Mechanics' & Farmers' bank, ..	173,680	87,082	35,360	84,424	35,360	119,666	35,360	169,492
New-York State Bank,	29,568	74,036	29,807	49,674	29,568	70,135	107,426	60,247*
Bank of Albany,	18,000	5,434	16,800	9,140	16,800	12,304	16,800	21,840
Bank of Troy,	31,680	41,766	39,600	52,558	39,600	67,077	39,600	74,007
Farmers' Bank,	22,250	14,861	22,240	23,614	22,240	28,739	22,240	42,985
Mohawk Bank,	4,950	6,384	9,900	8,927	9,900	11,437	9,900	12,878
Central Bank, .....	.....	5,883	12,000	11,691	12,000	15,949	12,000	18,823
Bank of Chenango, .....	.....	6,078	7,200	13,002	10,800	9,911	10,800	12,093
Bank of Utica,	45,000	60,276	54,000	71,405	54,000	72,373	54,000	81,544
Jefferson County Bank,	6,000	11,213	8,000	16,635	8,000	20,599	12,000	19,157
Bank of Auburn,	14,000	56,968	14,080	72,963	14,080	73,760	14,080	99,929
Bank of Geneva,	40,000	43,177	40,000	50,856	40,000	61,372	40,000	78,776
Ontario Bank,	50,000	110,282	50,000	112,713	50,000	113,835	50,000	114,920
Bank of Ithaca,	8,000	9,047	30,000	12,117	20,000	19,760	20,000	28,233
Bank of Genesee,	5,000	3,367	10,000	9,170	10,000	13,973	15,000	16,112
Bank of Monroe,	15,000	4,196	30,000	18,490	30,000	26,709	30,000	40,325
Wayne County Bank,	4,000	4,257	10,000	10,057	13,000	9,906	10,000	14,388
Canal Bank, Albany, .....	.....	19,037	18,060	22,535	21,000	26,470	22,500	31,338

\$43,500 of this amount consists of that amount of stock purchased by the bank out of its surplus profits several years since, and which has not, until the present year, been brought on to the books as surplus profits.

STATEMENT, (CONTINUED.)

BANKS.	Dividends 1830.	Profits 1st Jan. 1831.	Dividends 1831.	Profits 1st Jan. 1832.	Dividends 1832.	Profits 1st Jan. 1833.	Dividends 1833.	Profits 1st Jan. 1834.
Merchants' & Mechanics' Bank,	23,183	24,000	30,614	24,000	36,974	27,600	44,899
Ogdensburgh Bank,	6,456	9,000	13,888	10,000	18,675	10,000	11,491
Lockport Bank,	10,766	12,000	9,949	13,000	10,122	12,000	12,869
Livingston County Bank,	3,423	10,000	7,741	11,000	14,008	12,000	22,178
Onondaga County Bank,	2,211	12,700	6,550	15,000	15,872	20,250	16,348
Saratoga County Bank,	1,836	8,000	5,866	10,000	11,875	10,000	14,302
Otsego County Bank,	357	5,000	3,124	8,000	8,644	8,000	17,572
Hudson River Bank,	15	8,000	6,825	20,000	6,291	24,000	6,490
Bank of Poughkeepsie,	8,500	6,416	9,000	9,476	9,000	13,710
Greenwich Bank,	7,000	6,683	13,160	10,937	13,160	16,847
Bank of America,	80,311	110,415	137,903	120,298	189,148
Mechanics' Bank,	223,471	126,000	279,281	126,000	302,975
Merchants' Bank,	87,382	93,029	111,691	90,304	149,575
Bank of New-York,	143,973	67,909	169,966	70,000	156,441
Union Bank,	46,237	65,000	57,650	65,000	73,466
City Bank,	71,524	50,400	103,292	50,400	133,895
Phenix Bank,	85,325	35,000	113,473	35,000	125,006
Tradesmen's Bank,	29,280	28,000	40,575	28,000	59,679
National Bank,	26,988	45,000	36,266	46,125	67,662
Merchants' Exchange Bank,	17,773	26,250	51,391	52,590	60,487
Butchers' & Drovers' Bank,	20,240	21,000	28,760	28,000	57,847
Mechanics' & Traders' Bank,	4,484	14,000	11,080	15,000	20,189
Bank of Whitehall,	3,167	9,000	4,731	9,000	7,781

Oswego Bank,	5,564	7,500	12,438	15,000	13,872
Broome County Bank,	2,154	8,000	7,951	10,000	12,388
Yates County Bank,	2,634	12,000	3,377	12,000	4,084
Montgomery County Bank,	819	10,000	7,522	10,000	13,525
Tanners' Bank,	655	4,500	9,219	9,000	14,665
Madison County Bank,	635	10,000	5,442	15,000	5,132
Bank of Buffalo,	4,838	16,000	7,250	16,000	17,872
Ulster County Bank, .....	.....	7,000	3,490	9,000	8,658
Chautauque County Bank, .....	.....	6,000	9,417	12,000	13,686
Schenectady Bank, .....	.....	.....	.....	6,000	8,596
Bank of Salina, .....	.....	.....	1,921	7,500	8,410
Steuben County Bank, .....	.....	.....	.....	7,500	9,721
Brooklyn Bank, .....	.....	.....	2,458	8,000	10,932
Essex County Bank, .....	.....	.....	1,711	4,500	599
Bank of Rome, .....	.....	.....	368	9,000	6,409
Lansingburgh Bank, .....	.....	.....	7,158	10,800	9,639
Leather Manufacturers' Bank, .....	.....	.....	7,805	21,000	37,697

No. 33.

IN SENATE,

January 30, 1834.

REPORT

Of the committee on claims, on the petition of Daniel Avery.

The committee on claims, to which was referred the petition of Daniel Avery, one of the commissioners of loans for the county of Cayuga,

REPORT:

That this subject was brought before the Legislature in 1833, and referred to a select committee, who reported the facts, which will be found in No. 75 of Senate Documents of the date of the 13th March. Without repeating and adopting that report as to the facts stated, the committee are of opinion that the prayer of the petitioner ought not to be granted. They have reluctantly come to this conclusion; for they are free to say that the petitioner is free from any suspicion of fraud, or even any attempt at imposition.

The case summarily is this: Avery, as one of the commissioners of loans for the county of Cayuga, took a mortgage on a lot of land in said county, upon the production of a certificate of the clerk of Cayuga county, that the lands were freed from all incumbrances, and the oath of the mortgagor, that it was so in fact. After a lapse of some years, the interest remaining unpaid, the land was sold, and at the sale by the commissioners of loans, it appears that Avery averred the title to be free from all incumbrances. The lot was mortgaged for \$75, and sold for that sum and the costs, in the whole about \$80. The \$75 was only paid into the State treasury, by Avery, as one of the commissioners of loans.

After the purchase, it was ascertained that the land had been sold under a judgment, prior in date, to the loan-office mortgage, and that in fact the mortgagor had no title at all, nor the State any legal lien on the property.

The purchaser at the sale of the commissioner of loans, prosecuted Avery for a fraud in the sale, inasmuch as the land had been sold on a judgment in favor of Mr. Avery himself.

We have the case containing all the evidence, annexed to the proceedings on the trial. It is evident that justice was not done to Avery's case at the trial, by reason of his own ill health, and from other causes. The jury found a verdict against him on the question of fact, and the supreme court, on a motion for a new trial, refused to grant it, upon the ground that the question was one for the consideration of the jury *alone*, and they would not disturb their verdict, although they intimate, that, if they had to decide the cause, *their* opinion would have been different from that of the jury. It is the same case with your committee. They say, that in their opinion, Mr. Avery is exonerated from all pretence of fraud, express or implied.

Then the question recurs, is it not well settled that the Legislature will never interfere, to set aside the verdict of a jury, in the legitimate exercise of its rights, and when the supreme court on that ground have refused a new trial, as a case beyond their control, in the just exercise of their supervisory power? Your committee are of opinion that it is. That to guard the limits between the judicial and legislative branches, the Legislature ought not to interfere, when the supreme court denies to itself the power of even granting a new trial. It would be dangerous in its application, disastrous in its results, and would overwhelm us with business other than that for which we are chosen.

While the committee free Mr. Avery from all charge of deceit or trick, or fraud, still they are bound to say, that a general and invaluable principle cannot be made subservient to his individual case. The Legislature however, never ought to sit as such, to reverse the judgments of our courts of law or equity.

The unanimous opinion of the committee is, that the petitioner have leave to withdraw his papers.

No. 34.

IN SENATE,

January 31, 1834.

REPORT

Of the Commissioners of the Land-Office, pursuant to the 31st section of the "Act concerning escheats."

The Commissioners of the Land-Office, in pursuance of the 31st section of the act entitled "An act concerning escheats," passed April 29, 1833, (Laws of 1833, page 472,) respectfully submit the following

REPORT.

On the 26th of November last, the Commissioners, pursuant to the first section of the act, released to Joseph Carter, of the city of New-York, all such interest as the people had acquired by escheat on the death of Alexander Mitchell, an alien, to a piece of land situate in the twelfth ward of the city of New-York, bounded easterly in front by the Bloomingdale road, 193 feet 6 inches; southerly by the road leading from the Bloomingdale road to Richard Lawrence and Samuel Lawrence, 413 feet 3 inches; westerly along said Samuel Lawrence, 219 feet 6 inches; and running from thence easterly to the Bloomingdale road, 348 feet: The value of the land was \$2,500. The amount to be paid into the treasury was \$225, which was secured by a mortgage on the premises, pursuant to the 26th section of the act.

This is the only case in which a release has been granted under the act; but several other applications have been made and are now pending before the Commissioners. Sufficient time has not elapsed since the passing of the act to have its provisions generally understood or to afford an ample test of its utility. But if the policy which dictated the act shall be steadily pursued, the Com-

[Senate, No. 34.]

missioners believe that the benefits which were anticipated in their report at the last session, recommending the measure will be fully realized; that the act will prove alike beneficial to individuals and the public.

The Commissioners, in their report recommending the adoption of the system, (see Assembly Documents, 1833, No. 54,) did not flatter themselves that the bill was perfect; on the contrary, they anticipated that it would demand further consideration and amendment from time to time as its practical operation should demonstrate its defects. They have already discovered two or three particulars in which they believe the act requires amendment, and they take the liberty of submitting herewith a bill for the consideration of the Legislature.

The fifteenth section of the act provides for enabling persons to perfect their title who have purchased from an alien not authorized to hold and convey lands. On a careful examination of the act it will be found, that the Commissioners have no power to grant a release under this section unless the alien had filed such deposition or taken such incipient measures as are mentioned in the twelfth section. Aliens, residing within the United States but who have not complied with those provisions, have in some instances purchased and sold lands; and the Commissioners can see no objection under the restrictions contained in the act against allowing persons who have purchased from such aliens to perfect their titles on making a reasonable payment to the State. The first and second sections of the proposed bill are designed to provide for such cases.

When releases are granted under the first section of the act, the grantee, pursuant to the fifth section, takes the land subject to the debts of the person who died seised. Those debts may be equal to the value of the land, but whether great or small it seems but an equitable rule that the amount of the debt should be deducted from the ascertained value of the land, and that the grantee should only be charged in reference to the actual benefit which he can receive by the release. This case is provided for by the third section of the proposed bill.

The fourth and last section of the bill provides for its taking effect immediately, which is the more expedient from the fact that

there are one or two cases now before the Commissioners which must be suspended until the existing law shall be amended.

Respectfully submitted.

GREENE C. BRONSON, *Att'y Gen'l.*

A. C. FLAGG, *Comptroller.*

JOHN A. DIX, *Secretary,*

Albany, January 27, 1834.

No. 35.

**IN SENATE,
January 31, 1834.**

REPORT

Of the committee on claims, on the petition of Oliver Greenwood, jr.

Mr. Sudam, from the committee on claims, to which was referred the petition of Oliver Greenwood, junior,

REPORTED:—

That the petitioner claims compensation for a horse belonging to him, killed while the petitioner was navigating the Erie canal, in September last.

It appears that the petitioner resides at or near Rome in Oneida county, and that he had for several years been accustomed to the use of the canal in transporting produce thereon. That in September last, while the petitioner was going west, and while passing the towing path bridge at the village of Lyons, and near the aqueduct, the horse nearest the boat fell from said bridge, on the tow path, and was so injured that he died in half an hour. The horse was worth from sixty to sixty-five dollars. This accident was occasioned by the towing rope catching in a deep crevice worn in the rail of the bridge, in consequence of which the horse was suddenly checked, and thrown on the tow path, without any fault of the petitioner or his driver.

The committee cannot distinguish this case, from those so repeatedly presented to the Legislature, and refused, on the ground that the State will not become insurer to those who use the canal, nor be responsible for any accidents which may occur.

The committee therefore recommend that the petitioner have leave to withdraw his papers.

[Senate No. 35.]

1
Report on the petition of Oliver Greenwood, jr.

IN SENATE,

February 3, 1834.

REPORT

**Of the committee on the judiciary, on the petition
of the executors and heirs at law of Nicholas W.
Stuyvesant.**

Mr. Lansing, from the committee on the judiciary, to which was referred the petition of the executors and heirs at law of Nicholas W. Stuyvesant, late of the city of New-York, deceased,

REPORTED:

That they have had the same under consideration, and have given that attention, not only to the papers, but the suggestions submitted to them on behalf of the petitioners, that the nature of the relief asked, and the extent and situation of the property to be effected by the action of the Legislature, required.

The importance of the question submitted to your committee, not only as regards the interests of the petitioners, but as involving an important question as to legislative power and policy, having induced the committee to submit the whole matter to the Senate, they have thought proper, in justice to the petitioners, to bring to the notice of the Senate, not only the facts in the case, but also the arguments and suggestions urged by the petitioners in support of the application.

By the petition and accompanying papers, it appears that on the 28th day of October, 1828, Nicholas W. Stuyvesant, late of the city of New-York, made his last will and testament, by which, among other things, he devised his real estate, consisting mostly of unimproved lots in the eleventh ward of the said city, to his executors in trust, to make partition thereof in certain shares, as

speedily as possible, and to convey the said shares respectively to his sons and daughters for life, with power to them respectively to make leases of the whole or any part of their shares for a life or lives or terms of years, so that no such lease shall be for a longer period or term than a life or lives in being at the time of the making thereof, or for a longer term of years than sixty-three years: and further power was given by the said will to the children of the testator, to devise and appoint their shares, to or in trust for any one or more of their respective children, grand-children, nephews and nieces; and in default of such appointment, the said shares were directed to go, after the death of the tenant for life, to his children, him surviving, and their descendants; and in case of there being no such child or grand-child surviving, then to go to the right heirs of the testator. It was further provided by the said will, that until such partition should be made, the rents and profits of the real estate should be divided among his children; but the executors were first to pay thereout all taxes and assessments, and necessary expenses, and to make such improvements and repairs as they may think necessary or expedient, and to fill up and regulate ground where they may think it advantageous.

This will, at the time it was made, was perfectly valid and legal in all its parts. It is suggested by the petitioners, that the provision granting power to make leases for any term not exceeding sixty-three years, was adapted to the nature of the property, such leases being the customary mode of disposing of unimproved lots in the city of New-York, in order to obtain the erection of valuable buildings on them; that a lease for a shorter term would afford no inducement to the occupant to erect any other than temporary and cheap buildings. But by having an extended term, and the rent varying with the increase in the value of the property, or with its diminution, sufficient remuneration is offered to the tenant to justify him in building substantial and permanent houses. While the interest of all parties is thus promoted, the public at large are benefitted by the superior quality of the buildings erected.

It is also stated by the petitioners, that the testator during his life time, upon making sale of some of his lots, entered into contracts by which he bound himself to erect one hundred and four houses upon his remaining lots; that such being the fact, their obligations could be fulfilled only in two ways, either by a sale of the lots, with a condition that the purchasers should build the houses,

or by long leases, and as by the terms of the will, no sales in fee could be made by his children, it was very evidently the design of the testator, that his obligations should be fulfilled by means of long leases.

But these intentions, so far as they were to be carried into effect by the provisions of the will, were defeated by the testator's having republished his will in the month of February, 1833, by which its provisions were made subject to the Revised Statutes. The Revised Statutes having limited the power of tenants for life in granting leases, for a term not exceeding twenty-one years. The power given by Mr. Stuyvesant to make leases for any term not exceeding sixty-three years, becomes inoperative as to any term beyond twenty-one years. To be relieved from the embarrassments and difficulties thus created, all the children of Mr. Stuyvesant and his widow, have presented their petition to the Legislature, praying that the intentions of the testator may be carried into effect, and that they may be allowed to grant the description of leases contemplated by his will, and which they allege the condition of the property renders indispensable to prevent it from sacrifice. This necessity the petitioners insist arises from the obligations into which Mr. Stuyvesant entered, as hereinbefore stated, to erect a large number of houses, and also from the fact, that the common council of the city of New-York has required the property in question to be regulated, that is, to be filled in, levelled and pitched; and that a compliance with this requisition will involve an expenditure of more than 70,000 dollars. The committee are aware that there are no means provided by the will to raise and thus apply any money. If the ordinance of the common council is not complied with, the lands will be sold under its order, for the shortest term for which any one will take them and pay the assessment for the regulation. Considering the nature of the property, the sum to be raised, and the few who have sufficient capital to compete at such a sale, it is believed that such a proceeding might cause a great sacrifice of the property. In order to comply with a similar ordinance, which required immediate attention, the executors of the will applied to the court of chancery, and that court gave them authority to sell so much of the lands devised as was necessary for that purpose. But an application to the court of chancery will not relieve the petitioners. In either case, a sale of the property must be made, and the evil anticipated, of a sacrifice resulting from a forced sale of property thus situated, is not remedied.

The petitioners contend, and in the opinion of the committee, correctly, that by possessing power to make long leases, according to the terms of the will, the property may be preserved for the benefit of the children of the testator as well as their descendants, while the public duty of regulating it, will be performed by the lessees, for the consideration of a rent reduced in proportion to the expense to be incurred. The same power will also enable the parties interested, to comply with the obligations of Mr. Stuyvesant before mentioned, of making improvements upon the property and erecting permanent buildings. The legislation asked for might, in the opinion of the committee, and in the suggestions above made, be deemed necessary, for the preservation of the property from sacrifice. But although it may be necessary, the committee think, that the granting the prayer of the petition should depend on the fact, whether other rights and interests than those of the petitioners will be affected, and with which the Legislature cannot interfere, and whether if the Legislature could affect them, good policy and expediency would justify the action. As to the rights to be affected, the manner in which they will be affected and the policy of legislative interference, the committee have heard the suggestions and arguments on behalf of the petitioners, and in accordance with the determination herein before expressed, the committee submit them to the Senate. The petitioners say, that "it will be perceived that by the terms of the will, the children of the testator, who are the tenants for life, have the power of selecting among their children, grand-children, nephews and nieces, the persons to whom they may devise the remainder of the estate in fee. In the wide range of selection which this power gives, among the descendants of nine stocks, no one of those descendants can assert any positive right in himself, to this remainder, or any part of it. Still, it is to pass to some one or more among these classes of persons. If no relief be granted, how will their interests be affected, under the circumstances already mentioned? If the views and facts before stated are correct, there can be no doubt that the greater portion of the property intended for their benefit, will be sacrificed, and they will reap no advantage from the benevolence of their testator. On the other hand, if the power of making long leases is granted, with such restrictions and under such a control of the court of chancery as will secure the interests of those who may be entitled to the remainder, by equalizing the rents reserved through the whole term, they will commence re-

ceiving those rents at the time when their ancestor contemplated they should enter upon the enjoyment of the property devised, and will continue to receive them until the expiration of the leases, when they will receive their property improved and entire. So far, then, as the interests of those who may be entitled to the remainder of the estate, are concerned, it is quite obvious that they will not only be secured and protected, by granting the relief sought, but will be enhanced in value. With respect to the children of the testator, it is equally obvious that by denying the relief they ask, they will be shorn of a great proportion of their inheritance, and what they receive will be barren and unproductive, useless to them and to the public. For, with the incumbrances existing, created by the obligations of their testator and by the ordinances of the common council, with no power to sell any interest but their life estates, and with a restricted power of leasing for twenty-one years, they can make no disposition of their property except for temporary uses, and of course at reduced prices or small rents. In the mean while the march of improvement in the city will certainly take another direction, and the opportunity of improving and enhancing the value of the estate will be lost. And they would thus be prevented from realizing any immediate benefit from the will of their father, with no other result than the transmission of the property in the same barren and impoverished condition to their descendants. It is not believed that any Legislature would desire that such results should be continued, if they can be prevented without violating some great principle of public policy. By granting to these children of the testator the power to make long leases, they are at once relieved; they can without impairing the property entrusted to them, fulfil all the obligations of their ancestor, comply with the requisitions of the public authorities, improve their estate, derive an income from it, and transmit it to their children productive and useful to them, and beneficial to the public. It is, in fact, but turning an expectant real estate into immediate and available personal funds, and preventing the utter destruction of the most important private interests. The case presents one of those instances of the mistakes into which testators too frequently fall, either from ignorance of the law or from too great confidence in their own capacity to regulate the interests of their successors. But with regard to Mr. Stuyvesant, there is sufficient evidence from the circumstances under which his will was made, particularly in reference to the

condition of his property, to justify the belief that he was ignorant in fact of the provisions of the Revised Statutes, bearing upon the question, and that if he had been apprised of them, he would have made a will by which he would have provided the necessary means to accomplish his intentions.

There are repeated instances of the Legislature having granted relief in similar cases, to a greater extent than that now solicited. Indeed, by a general law of the State, (2 Rev. Stat. p. 194,) which has been in force for twenty years, the court of chancery is authorized to direct the sale absolutely of the real estate of an infant, on account of its being wholly unproductive, or for any other peculiar reasons or circumstances, rendering it promotive of the interest of such infant to have such sale. This law proceeds upon the principle that the Legislature will exercise a parental care and foresight over the interests of those who are legally incapacitated to perform those acts which are necessary for their interest, and will direct them to be done by others for their benefit, to the extent of absolutely divesting them of their estates, and converting them into active and productive funds. In this respect, the relief prayed by the petitioners, is not so extensive; the power of granting long leases, will not deprive those in remainder of their estates, but will enable them to receive them in a better condition. The court of chancery is made the organ of granting relief in the cases contemplated by the act, because it can ascertain the facts, and can prescribe the terms of conveyances and regulate the conduct of those who are to execute the power. So, in the bill now asked, the interests of those who may be entitled to the remainder, are put in the charge of the court of chancery, and the Legislature is asked to apply the general principle already contained in our laws, to a case within that principle, but which being unprovided for by a general law, requires a special act for that purpose.

There are many instances of such special acts. In 1814 (Session Laws p. 88,) an act was passed for the relief of Thomas B. Clark. It recites that lands had been devised to trustees, in trust, to receive the rents and profits, and pay them to Clark during his life, and after his death to convey the lands to the issue of Clark, and in default of such issue, then to convey to C. C. Moore. The act authorizes the trustees to sell absolutely in fee one moiety of the lands, to invest the proceeds and pay a portion of the income to

Clark during his life, to invest the residue of the income, and after his death, the principal and the income so invested to go according to the directions of the will. The reasons for the act are given, that the property was unproductive, and that it was for the interest of those in remainder, that such a disposition should be made. This law was but converting a future, uncertain and unproductive real estate, into a productive fund, and although it divested the children of Clark of an absolute and vested estate, yet it was so manifestly just, that the act was passed.

In 1826, (Session Laws p. 33,) an act was passed for the relief of the heirs of William Irving. It recites that it was the intention of the testator by his will, that his real estate should be sold for the benefit of his heirs, but that he had omitted to give his executors the necessary power for that purpose; the act then authorizes the executors to sell the real estate, convert it into money, and apply the proceeds for the benefit of Mr. Irving's heirs. Here also, was the conversion of real estate into a productive personal property. A law founded on the same principle was passed in 1813, for the relief of the heirs of George Clinton. Other acts of the same character might be adduced, but it is deemed unnecessary. But there is another class of private acts, which it may be well to refer to; they are those which dispense with a general law, in particular cases. In 1829 (Session Laws, p. 424,) an act was passed in relation to Mary Ann Byrne, which authorizes the sale of the real estate of devisees in a will, notwithstanding the provisions of the will. And in 1831, (Session Laws p. 385,) a similar act was passed in relation to the devisees of Josiah Bissel, jun. Both these acts became necessary in consequence of a general provision of law, passed in 1814, and incorporated in the Revised Statutes (Vol. 2, p. 195, § 176,) which forbade the sale of the real estate of an infant contrary to the provisions of the will devising such estate. In the particular circumstances of these cases, the Legislature found sufficient reasons to dispense with the general law. In 1831 (Session Laws p. 8,) an act was passed confirming a title granted by Martin Denny, an Indian, contrary to an express general law, forbidding Indians to sell their lands without the consent of the Legislature. (Sec 1. Rev. Stat. p. 719.) Many acts of a similar character, in various and different cases, but all acting on the same principle might be cited, wherein the Legislature have allowed exceptions from the operation of general laws.

And in a country like ours, such exceptions are necessary to meet the exigencies of society and to adapt the spirit of the law, rather than its letter, to the ever varying condition of human affairs. A law, which in its general provisions is salutary and calculated to promote sound views of public policy, may yet, in peculiar circumstances, operate with great severity and injustice, and in fact defeat the intentions of the Legislature, and the circumstances of a case may be such as to take it out of the reason of the law, and justify an exception to it. Human laws must in their nature be imperfect, and sad and hopeless would be the condition of our fellow-citizens, if there was no competent tribunal to supply such imperfections and to relax the rigor of a rule, when its application would be attended with the most disastrous consequences.

Such a case, it is contended, is presented by the petitioners; the power of the courts are inadequate to grant the particular relief sought, and the Legislature is the only competent tribunal for that purpose. If it be urged that the relief proposed is in hostility to a sound principle of policy adopted by the Revised Statutes, which forbids the tying up of estates, and the suspending the absolute power of disposing of lands in fee, by sundry provisions, and among others, by that which prohibits a power being given to a tenant for life to make leases for more than twenty-one years; it may be answered that the policy of the law in question, was to promote enterprise and improvement, by diffusing property as speedily as possible. In ordinary cases, such a law would accomplish that object, but in the present instance, it produces a result directly different.

For in the case of the petitioners, it is only by dispensing with the law and granting the power asked, that enterprise is put in motion and stimulated, and a property otherwise barren, will be made useful and productive. Nor should individual injury be entirely overlooked, when contrasted with the general policy of a particular law. It is the first and greatest object of government to secure its citizens in the enjoyment of all their rights and among them their rights in property, and to afford every facility to the most beneficial use of what belongs to them. When this policy conflicts with that of a given law, a wise and provident Legislature, before they inflict a positive loss by refusing all interference, will be certain that the public will sustain a greater injury by allowing an ex-

ception to the law, than individual citizens will suffer by its enforcement. And in reference to the particular law in question, it may be remarked, that its policy is rather to prevent a numerous and dependent tenantry in the agricultural districts of the State, than in a crowded city, where, from the necessity of the case, the bulk of the population are not the owners of the soil, but lessees of the habitations they occupy. The evil to be guarded against in this view, does not exist in cities. It may also be suggested, that if the Legislature do not interfere, the very mischief they wish to prevent may be accomplished in other modes, which will produce great and unnecessary injury to the innocent. If no relief be granted, and a sale of any part of the real estate of Mr. Stuyvesant be made, either by the common council of New-York, or by the order of the court of chancery, or by any other authority, the purchasers will instantly possess the very power now solicited, that of granting leases for sixty-three years, and even for longer terms. For there is no law that prohibits an owner of lands in fee making leases for any term of years. In this view of the matter the only consequences of refusing the relief sought, would be, that such leases would be granted by one class of persons instead of another; and those rightfully entitled to the property and to the benefit of its improvement, would be stripped of the whole or a large proportion of it, without in the least promoting the policy of the law which would produce such injurious consequences to them.

The petitioners have laid before the committee the following evidence of the facts and circumstances of their case.

1st. An affidavit of George B. Smith, street commissioner of the city of New-York, and Edward Doughty, assistant street commissioner, in which are stated the ordinances of the common council, requiring improvements of the real estate of the testator, and other ordinances which they conceive to be necessary, and which will be made for the same purpose; and which they testify will require the expenditure of very large sums of money; and they state it as their settled opinion that by such disbursements, although they will be very large, yet that the property will be ultimately benefitted.

2d. An affidavit of Thomas E. Davis, who says he is well acquainted with the property in question; that the lots are situated adjoining the compact part of the city, and in all probability will, in

a short time, form an integral part thereof: that he is satisfied the property would, in the aggregate, be worth nothing for the term of twenty-one years, being subject to the taxes and the assessments and expenses for regulating the same, and fully complying with the conditions respecting buildings; and that the interests of all parties require that the power to grant leases should be had according to the intentions of the testator.

3d. An affidavit of Peter G. Stuyvesant, understood to be a large proprietor of property similarly situated, concurring in the statements of Mr. Davis, and stating as his opinion that a term of twenty-one years, in the said lands, would be worth nothing under the taxes, assessments and conditions respecting building, which exist in this case.

4th. An affidavit of James B. Murray, who resides in the vicinity of the premises, showing that the public interests require that the power of making long leases should be granted, because lessees having the premises for short periods of twenty-one years would appropriate them to temporary purposes, and convert them into nuisances to the neighborhood: he expresses the same opinion as other witnesses, that the property will be of no value unless the power is given of making long leases.

5th. Original articles of agreement, duly acknowledged, between the testator and Thomas T. Woodruff, Thomas E. Davis, and James B. Murray, by which the testator is bound to erect a large number of two story and three story brick houses on the lots reserved by him, whenever he puts any buildings on them, and in effect compelling him to build such houses in order to derive any benefit from the lots.

The committee are aware that in these remarks and suggestions, there is great force, but cannot consider them as conclusive. They do not intend to combat them, but will merely suggest a few remarks, showing the doubts they entertain. They have no doubt that it might be very advantageous, not only to the tenants for life, but also for those in remainder, that the power asked for, should be possessed. But it is an important question, whether those in remainder would be bound by any legislation on the subject, and the Legislature should be satisfied that their action would include them, before it is attempted. It is true, that there are

none other than the petitioners who are now immediately interested in the property, but there are others who have a contingent interest, uncertain as to person. This uncertainty, however, is to be made certain, either by death or appointment, and when so determined, does not the individual take under the will of the elder Mr. Stuyvesant? If he takes under such will, does he not do so under it as it was at the time of the death of the testator? If so, can his rights accruing in that way be affected by legislative action? Would not such action alter his rights, and instead of receiving his property with an absolute power to dispose of it, will he not receive it subject to an outstanding term for years? The rights of the remainderman being derived from the will of the original testator, is not the extent of those rights the same, whether the person be certain or contingent? If the remainderman will not be bound, then certainly the Legislature should not grant the power asked.

Bona fide lessees, in case of legislation as desired, acting on the faith of such legislation, would be led into co-warrants for improvements and expenditures, warranted only by the prospect of an undisturbed enjoyment, furnished by the extended terms of their leases, but on the death of their lessors, would discover, that such enjoyment was dependent on the will of the remainderman only. In such event also, it is evident from the nature and extent of the property of the testator, numerous citizens would be subjected, in the enjoyment of these improvements, to such exactions as the avarice or cupidity of those in remainder might impose.

The acts of the Legislature to which the petitioners refer, undoubtedly show, that the Legislature have interfered in cases similar to the one now presented, and that they have taken particular cases from the operation of a general law. But such acts do not prove their binding effect, nor do they remove the doubts suggested. Our courts have never been called, as far as the committee have ascertained, to decide their effects upon the rights intended to be reached by them. But the committee cannot withhold the fact, that in the only case in which they have discovered, any act of this nature came either directly or indirectly in question, its constitutionality and binding force was strongly doubted, and even denied, by eminent counsel, and the court before whom the question was raised declined deciding it, for the reason, that it was not necessary for the decision of the point then at issue. The com-

mittee refer to the case of *Sinclair vs. Jackson*, 8 Cowan, 543, in which the act above referred to, for the relief of Thomas B. Clark was under examination, and which act is very analogous to the act now asked. That the Legislature have passed laws exempting particular cases from the operation of a general law, does not relieve the doubts entertained. Such an act cannot affect or destroy rights existing at the time of its passage; and the question as to the rights of those in remainder in the case now presented, still remains unaffected.

If those in remainder can be bound by legislative enactments and permissions, and bona fide lessees can be secured in their purchased rights, the question of the policy and expediency of legislative action is then submitted to the Senate.

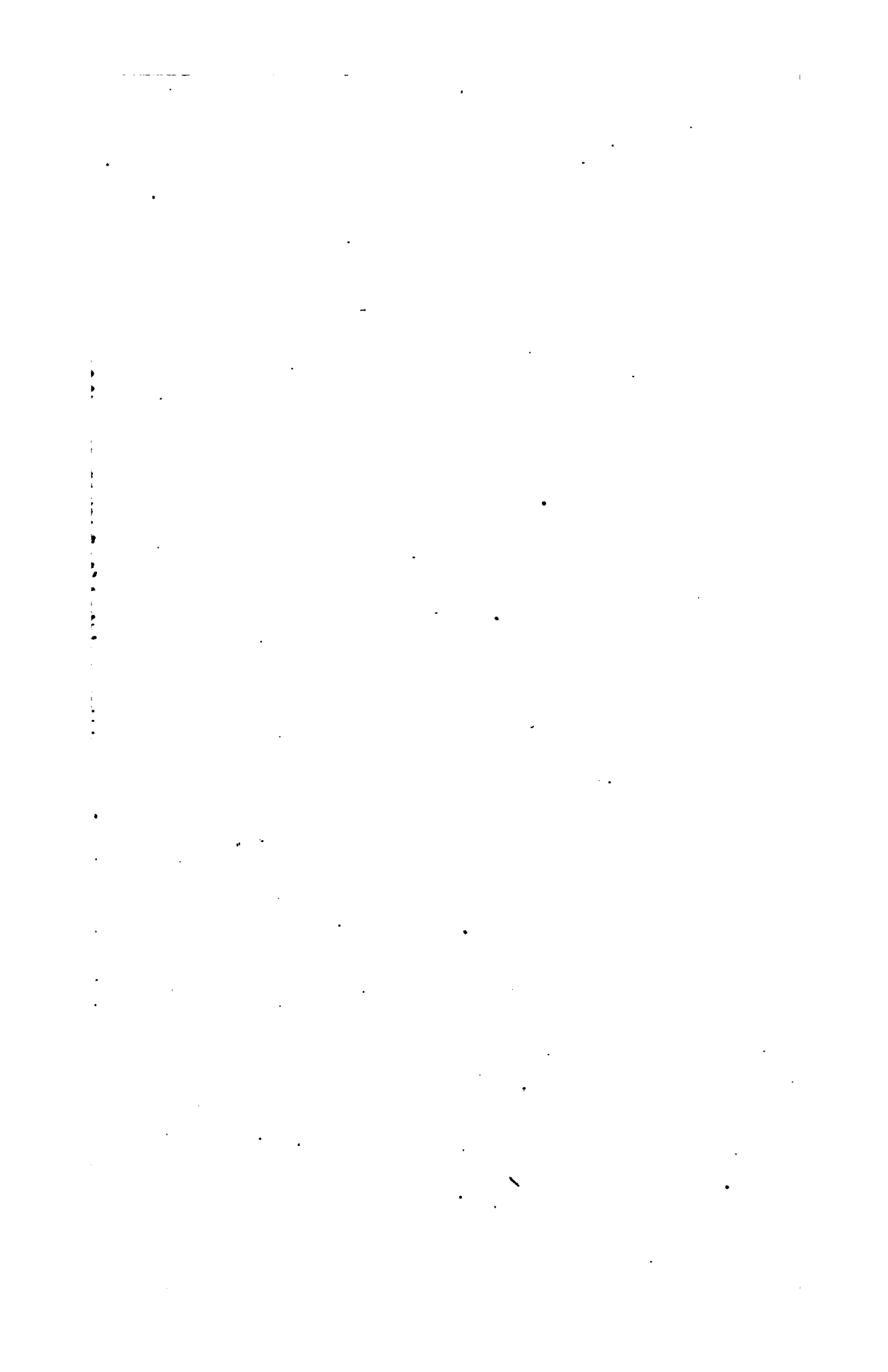
The statute imposing the restrictions for which relief is now sought, is admitted by all to be not only right in principle, but will prove salutary in its operations.

The arguments and suggestions of the petitioners to this point are entitled to great consideration. Without intending to impugn them, the committee would suggest whether the passage of the law now asked for, would not establish a precedent which would encourage individuals, by their last wills and testaments, so to entangle their property, that the hardship arising from a rigid and legal enforcement of the provisions of such wills, would so operate upon the sympathy of the Legislature to induce them to relieve from them, and thereby encourage a constant evasion of the salutary provisions of existing statutes.

The committee in conclusion remark, that they have strong doubts, notwithstanding the instances before referred to, in which the Legislature have acted, as to the power of the Legislature to pass a law, which can completely and fully secure the lessees of the tenants for life, under the additional power proposed to be given them, against the remainderman, whoever he may be, for any portion of the term granted, beyond the time authorised by the Revised Statutes.

Upon the whole view of the case, the committee have directed their chairman to report a bill, granting the relief prayed for, to give the petitioners an opportunity to obtain the sense of the Senate on the several matters submitted.

The value of the property which it is contended must be sacrificed if the relief sought for is not granted, and the importance of the question, of exempting the same from the operation of a wise and salutary provision of the Revised Statutes, have induced the committee to submit the facts and arguments to the Senate, without any expression of opinion.



No. 37.

**IN SENATE,
January 31, 1834.**

REPORT

Of the Comptroller, on the petition of John Denny.

**COMPTROLLER'S OFFICE, }
Albany, January 31, 1834. }**

To the President of the Senate.

SIR—

Herewith is presented the report of the Comptroller, on the petition of John Denny, and in answer to a resolution of the Senate, of the 28th January.

I am, with much respect,

Your ob't. serv't.

A. C. FLAGG.

REPORT, &c.

COMPTROLLER'S OFFICE, }
Albany, January 31st, 1894. }

The Comptroller has been furnished with a resolution, passed by the Senate on the 28th instant, as follows, viz:

"Resolved. That the committee on Indian affairs, be discharged from the further consideration of the petition of John Denny, a member of the First Christian party of Oneida Indians, and that it be referred to the Comptroller, with instructions to report,

1st. Whether there is any, and what sum of money remaining in the treasury, of the fund reserved to defray the expenses of the migration of said party to Green Bay.

2d. Whether the petitioner and his family are entitled to any, and what portion of such fund, on condition of their migration.

3d. Whether the said fund consists of money actually reserved out of the moneys agreed to be paid by the State to the said party as a part of the consideration money for the purchase of their lands."

In answer to the inquiries contained in the foregoing resolution, the Comptroller

RESPECTFULLY REPORTS:

1st. There is due to the First Christian party of Oneida Indians, for lands ceded to the State by them, by the treaty of October 8, 1829, the sum of \$1,941.01.

2d. The name of John Denny appears in the appraisalment of the improvements upon the lands for which the consideration money above stated was paid; and it is therefore reasonable to infer, that John Denny is entitled to a share of the money in the treasury, and in case he should be desirous of emigrating to Green Bay, his share of the money could be drawn for his use, by virtue of the 4th section, chapter 29, of the Laws of 1829, folio 96.

3d. The money in the treasury is a part of the consideration stipulated to be paid for the lands, and has been retained to pay the expenses of those families belonging to the First Christian party which remain in Oneida, whenever they are willing to remove to Green Bay.

When the money was drawn for the party which removed to Green Bay, during the past season, the agent furnished to this office, a list of the names of the heads of families, with the number in each family, of those who desired to emigrate. This list was signed by the chiefs, and embraced 124 persons, and included, as stated by the chiefs, all the poor of the tribe, twenty in number. The agent drew from the treasury, \$3,539.43, leaving in the treasury at that time, the sum of \$2,140.79, for the seventy-five persons belonging to the tribe who remained in Oneida. On the return of the agent, it was ascertained that seven persons who were not on the original list, had gone with the agent to Green Bay, and the additional sum of \$199.78, was paid to the agent for the expenses incurred in the removal of these persons. The proportion of each person belonging to the tribe, of the money in the treasury, was estimated at \$28.54.

It seems to have been the policy of the law of 1829, to induce the removal of the Indians to Green Bay, and their money was retained in the treasury, to be used in defraying the expenses of the removal whenever the Indians became willing to go. Equitably, those who determine to remain, or seek a residence in some other region, are entitled to a share of the money in the treasury.

Respectfully submitted.

A. C. FLAGG.

No. 38.

IN SENATE,
January 8, 1834.

REPORT

Of the Commissioners, under an act of the Legislature of this State, passed February 26, 1833, relative to supplying the city of New-York with pure and wholesome water.

New-York, December 31, 1833.

THE HON. THE PRESIDENT OF THE SENATE.

SIR,

The undersigned Commissioners, in compliance with the provisions of the act of the Legislature, passed the 26th of February, 1833, herewith transmit their report, which you will please lay before the Honorable the Senate.

We are, very respectfully,

Your obedient servants,

STEPHEN ALLEN,

SAUL ALLEY,

CHAS. DUSENBERRY,

WILLIAM W. FOX,

BENJAMIN M. BROWN.

REPORT, &c.

To the Honorable the Legislature of the State of New-York:

The Commissioners appointed pursuant to an act of the Legislature of this State, entitled "An act for the appointment of Commissioners in relation to supplying the city of New-York with pure and wholesome water," passed 26th February, 1833, and in obedience to the directions of said act,

RESPECTFULLY REPORT:

That viewing the subject as the Commissioners do, of the utmost importance to the city and State of New-York, they have bestowed all that reflection and attention to its details which their limited time and capacity would admit.

In order that they might be enabled to ascertain with the greatest accuracy the practicability and expense of supplying the city of New-York with a sufficient quantity of pure and wholesome water, both for present and future use, they engaged Canvass White and David B. Douglass, esquires, civil engineers, to make separate and distinct examinations of the Croton, Sawmill, and Bronx rivers, in the counties of Westchester and Putnam, together with their several tributaries; and to furnish the Commissioners with a map and profile of the country, and their opinion of the quality of the water, the supply that might be depended on in all seasons, and the practicability of conveying it to the city at an elevation of sufficient height, that would preclude the use of machinery, and answer all the purposes contemplated.

The engineers were also instructed to designate the best and most feasible route for conducting the water, the most fit and proper manner for constructing the conduits and reservoirs, the probable amount of damage that would be sustained by the proprietors of the water to be taken, and of the land it might be necessary to occupy in constructing the required conduits and reservoirs, together with the total amount of cost to the city for completing and putting into operation the whole project.

The Commissioners are sorry to state, however, that their anticipations that they would be enabled to present to the Legislature the separate opinion of two practical engineers, have not been realized, by the receipt of a report, from Mr. White, who states, under date of the 30th October last, that his previous engagements on the Raritan and Delaware canal, together with the frequent and heavy rains during the summer months, which caused an unexpected flooding of the works, has demanded so much of his unremitting attention as to prevent him from fulfilling his contract with the Commissioners. A statement of the causes, which prevented Mr. White from complying with his engagements, has been furnished the Commissioners, and is annexed to this report, to which they beg leave to refer.

It is, nevertheless, with great pleasure that the Commissioners are enabled to present to the Legislature a full and ample report from Mr. Douglass, with a map and profile of the country in which the rivers, lakes, ponds, and springs are situated, capable of supplying this city with an abundance of as pure and wholesome water as any country can boast of.

The following abridgement of the report alluded to, will present a brief view of the conclusions arrived at by the engineer.

Two routes are proposed for bringing the waters of the Croton, and its tributaries, to the city of New-York, which are termed by the engineer, *The Inland or Sawmill river Route, and The Hudson river Route.*

First, the Inland or Sawmill River Route.

It is proposed to form a basin, or confluent reservoir, at a point near Mechanicsville, in the town of Bedford, county of Westchester. The position chosen for this reservoir is 268 feet above the tide-waters of the Hudson, and forms a natural basin of solid rock, requiring very little embankment or artificial work to complete its structure.

To this reservoir the following streams may be brought by means of iron pipes of large size. First, the Muscoot river, at the distance of three and one-eighth of a mile, which will afford a supply of 3,628,800 gallons per diem. Second, the Cross river, at three miles distance, and giving 9,124,400 gallons per day. Third, the Beaver dam and Broad brook streams, producing, 4,963,480 gal-

lons per diem. Fourth, the main Croton, including the east, west, and middle branches, which gives 12,695,480 gallons per day, making a total of 30,460,160 gallons every twenty-four hours, that will enter the confluent reservoir, if permitted; and if we add to this the quantity produced by the river Cisco, we have 32,503,760 gallons running water for daily use, if required.

These several streams were gauged on the 4th, 5th, and 6th of September last, at a time when no rain, of a day's continuance, had occurred for about two months; and the opinion of the inhabitants was, that the streams were as low as they had ever been, except at a remarkable drought in 1816. To meet a like occurrence, should it again happen, it is proposed to deduct one-fifth from the foregoing results, which will reduce the quantity flowing on to the city to 26,002,008 gallons per day.

From the confluent reservoir the water is to be carried in an aqueduct of masonry, the construction of which is particularly described in the report of the engineer, to the head-waters of the Sawmill river, which will require a deep cutting of about three miles, averaging 38 feet in depth and 55 feet at the dividing ridge. This is considered the principal difficulty in the location of this route.

Twelve miles from the confluent reservoir, the engineer points out a favorable position, of 258 feet above tide, for a storing reservoir, should it be required or deemed at all necessary. For the next fifteen miles the ground goes off at a gentle slope, requiring no cutting or filling to any extent, or extra work of any kind, except in one or two instances.

The entrance to the valley of Tibbit's brook requires a cut through the dividing ridge of 12 chains, or 792 feet in length, and 22 feet deep on an average, chiefly in rock; or it may be tunnelled, which will shorten the distance 50 or 60 feet. At this position another favorable place is proposed, 147½ feet above tide, for a storing reservoir, if required.

From this the route passes on the Harlem river, without any material obstruction to the work, either by deep cutting or high embankments. The river is to be crossed by an aqueduct bridge of 18 chains, or 1,188 feet in length, and consisting of nine plain semicircular arches; the height to the water line of the aqueduct, will be 126 feet.

On the aqueduct crossing the bridge, and entering the island of New-York, it proceeds to a receiving reservoir, located, by the profile accompanying this report, between the Ninth and Tenth Avenues and One hundred and thirty-third and One hundred and thirty-seventh-streets, at a height of about 123 feet above tide; and from thence, by conduit pipes, to reservoirs, termed by the engineer, equalizing reservoirs; one on One hundred and fifth-street, between the Eighth and Ninth Avenues, and the other on Sixty-ninth-street, east of the Eighth Avenue; and finally, to a distributing reservoir, at the intersection of Thirty-eighth-street and the Fifth Avenue, three miles from the City Hall. The distributing reservoir is calculated to contain between fifty and sixty millions of gallons, and the water to stand in it at the depth of 20 feet, and 117 feet above the tide. The distance from the confluent reservoir to the receiving reservoir, at Manhattanville, is 37 miles 52 chains, and from that to the distributing reservoir, on Thirty-eighth-street, is five and a half miles, making the whole distance of this route about 43 miles from the confluent reservoir, at Mechanicsville, to the distributing reservoir, in the city of New-York.

The cost of the works is estimated at the sums following:

For the conduits to the confluent reservoir, from the Muscote,	
Cross river and Beaver dam,	\$761,000
Indemnity for water rights,	43,500
Contingencies,	50,000
	<hr/>
Total expenses of the water of lower Croton,	\$854,500
Upper Croton and branches, including dams,	
conduits, &c.	\$1,155,000
Indemnity for water rights,	57,000
Contingencies,	65,000
	<hr/>
	\$1,277,000
Total for bringing these waters to confluent,	
reservoirs,	2,131,500
Expenses of the first twelve miles from the	
confluent reservoir, to and including the	
deep cutting at Sawmill river, viz: For	
cutting and filling nine and a half miles,	
including culverts, &c.	\$61,420
Excavating two and a half miles of tunnel,	
one quarter rock,	114,000
	<hr/>
Amount carried forward,	\$

Amount brought forward,....	\$	\$
Constructing confluent reservoir, channel way, &c.....	558,000	733,420
<hr/>		
Expenses of the remaining 31 miles, viz:—		
For cutting and filling from Sawmill river to the receiving reservoir,.....	\$191,000	
For Harlem and two small aqueducts, Tibbit's dam, and several culverts,	576,000	
Channel of aqueduct way complete,	1,020,000	
Receiving, equalizing, and distributing reservoirs,	200,000	
Iron main at \$100,000 per mile,	550,000	
Contingencies,	325,067	
Damage to land and water rights,	100,000	
	<hr/>	2,962,317
<hr/>		
Total cost of bringing the water to the city,	\$5,827,237	

It may be proper to observe here, that the quantity of water may be reduced or increased at pleasure, by using or not, as the case may be, any or all of the streams leading to the confluent reservoir, as shall be deemed necessary to furnish a full supply. Thus if we exclude the water of the upper Croton branches, viz. the west, middle, and eastern branches, which will require to be brought in iron conduits for about fourteen miles, we shall still have a daily supply of about sixteen millions of gallons, and a reduction in the expense of \$1,277,000; leaving the actual cost of the project at \$4,550,237.

Second, the Hudson River Route.

It is proposed, on this route, to build a dam across the main Croton about one mile below Mechanicsville, and a mile and a quarter below the confluent reservoir. The height of the fountain head thus formed, will be about 175 feet above tide, and the quantity of running water which will come to this reservoir, including the discharge from the Muscoot river, will be 44,120,924 gallons daily.

The location of this route, until it penetrates the valley of the Sawmill, is carried along the hill side of the Hudson and Croton rivers; the line follows the north bank of the Croton to Garritson's mill, when it crosses the river on an aqueduct of 85 feet span, to

the south bank, where an arch must be thrown over the road in order to admit the passage of travellers. A number of culverts must be built, and several excavations made, of 20 to 23 feet in depth on this part of the line.

Near the mouth of the Croton, a work of considerable magnitude occurs, where the ground will have to be excavated to the depth of 35 feet at the summit. After leaving the valley of the Croton, near Sing-Sing village, another deep cutting occurs, of 36 feet at the summit; and in crossing the chasm, or gap, at Sing-Sing hill, a culvert of 60 feet span will be necessary. The route then proceeds nearly on a line with the turnpike road, without any material excavations or embankments, for 19 miles from the Croton reservoir to Sleepy-Hollow. In crossing this hollow, an aqueduct of five arches, of 70 feet span, and 500 feet in length including the wings, and 60 feet in height to the water line, will be necessary.

Two miles below this, at Tarrytown, a cut of 15 feet, and about two miles further on, another, of 26 feet, will be required. Several heavy culverts must be constructed, one of which, in the vicinity of Greenburgh landing, must have a span of 20 feet. Here the route leaves the line of the turnpike road and inclines east, towards the valley of the Sawmill river. In order to enter this valley, a deep cutting will be necessary, of 45 chains, or 2,970 feet in length, and averaging 37 feet in depth, chiefly rock. After entering the valley, the Sawmill river has to be crossed, which will require an aqueduct of three arches with 60 feet span, making the length, including wings, 250 feet, and the height above the river, 36 feet.

The Hudson river route, and the Sawmill or interior route, now take the same line to the city. The former, however, is considerably lower in its grade than the latter, and consequently the magnitude of its works will be increased. The Harlem river is to be crossed by both routes, in the same manner, to the receiving reservoir, between the Ninth and Tenth Avenues and 133d and 137th streets, on the island of New-York. The distance from the dam, on the Croton river, to the distributing reservoir, at the intersection of 38th street, is nearly 47 miles.

The expense of constructing the Hudson river line will be as follows:

For cutting and filling, including the dam of the Croton, and small culverts on the whole line,.....	\$674,651
Eight aqueducts, including the Harlem river, Saw-mill river and Sleepy-Hollow,.....	812,000
Channel way for aqueduct, or open conduit, 35½ miles in soil, and residue in rock,.....	1,985,800
Reservoirs and mains on N. York island,.....	750,000
Damage to land and water rights,.....	73,500
Contingencies,	422,245
Total cost of Hudson river route,.....	\$4,718,197

As the corporation are in possession of a survey and map of the country, embracing the Bronx river and its sources, the Commissioners have not deemed it important to spend much time in the examination of that river, with the object of supplying the city with its waters; particularly, as the running water to be obtained, it is believed, would barely be sufficient for present purposes, without reference to the future; and their time being limited to the month of November, when, by the act under which they are appointed, the report to the Legislature is directed to be made, and the examination to cease, they have deemed it more profitable to lend their whole attention to a source of supply, where the adequate quantity may be obtained at all seasons, both for the future as well as for the present.

Some attention, however, has been given to the subject, as may be seen by the report of the engineer. In order to test the correctness of an opinion, that the Harlem river possessed the requisite power to raise the water to a sufficient elevation on New-York island, a calculation has been entered into, the result of which is, that the whole power of the river would only raise to the requisite height, 4,939,000 gallons in 24 hours, being about two millions less than the present wants.

By a reference to the map, it will be seen, that a line has been run, commencing at Popham's factory on the Bronx river, where a head of 142 feet above tide was gained; from whence the line continues down the west side of the river, taking the same ground, from the vicinity of Fordham's church, as that occupied by the routes from the Croton; the ground is by no means unfavorable, but, in crossing, an aqueduct of 740 feet, at an elevation of 57 feet,

will be required. The whole distance from the factory dam to the distributing reservoir, is 21 miles.

The engineer made a gauge of the outlet of Rye ponds, on the 15th and 20th of August and 5th of September, and found the discharge to be only 950,400 gallons daily. The running waters of the river were gauged on the 4th and 5th of September, and produced 4,331,880 gallons every 24 hours. Allowing one-fifth to meet extraordinary drought, there remains 3,465,504 gallons. By damming the ponds, an additional supply may be obtained of 2,286,900 gallons, making a total of 5,752,404 gallons, as the quantity that can with any safety be relied on from that source, and which is less than the present wants, by about one million of gallons. A small addition may be obtained from Byram river, but in effecting it, a resort must be made to the territory and waters of another State, which it is presumed would not be attempted, unless by the authority of that State.

The Commissioners having understood, that a proposition from the Manhattan company, to dispose of their works to the corporation, is now under the consideration of the common council, and observing by a printed circular from that company, that they have 25 miles of pipes now laid down in this city; and having also been informed, that the corporation have about ten and a half miles of pipe, extending in different directions from their reservoir on Thirteenth-street, they have not deemed it necessary under these circumstances, to enter into a calculation of the cost of the pipes, that may be required to distribute the water in the different parts of the city. The estimates which have been made, however, for bringing the water to the distributing reservoir, are full and large, and intended to exceed, rather than fall short of the cost. The Commissioners think, therefore, that these estimates may be relied on, as amply sufficient, to complete a work that will be a lasting blessing to the present and future inhabitants of this city, and an honor to those who may be instrumental in carrying it into effect.

For a more particular and detailed description of the survey, and other important information on the subject, the Commissioners beg leave to refer to the able and lucid report of the engineer, hereunto annexed.

The routes which are designated by the report of the engineer, for bringing the waters of the Croton to the city, differ so little in

expense or feasibility, that the Commissioners have not deemed it necessary to make a selection of one in preference to the other, as a further examination, connected with facts and circumstances which may hereafter come to view, will better enable those to decide, who may be selected to carry the project into effect, than they are.

That the Commissioners might be enabled to form as correct an opinion of the subject generally, as the nature of the case and their other engagements would admit, they have personally explored the routes proposed by the engineer, and have made frequent examinations of the situation, quality, and apparent quantity of the water to be taken, and by conversation with intelligent individuals in the vicinity of these waters, or who were acquainted with the country and its localities, they have arrived at the conclusion, that an adequate supply of good and wholesome water is not to be obtained from any source, with as much certainty of success, with greater convenience, or with less expense, than that recommended by the report of the engineer.

The construction of these works will require several years to complete them, and the supply, therefore, must be estimated to meet the wants of the then population, which it is presumed will not be less than 300,000. On estimating the quantity that may be required for all purposes, the Commissioners have endeavored to ascertain the number of gallons distributed in other large cities, such as London, Philadelphia, and Edinburgh,

It appears from an investigation, by order of the British government, into the concerns of the London water companies, that the quantity of water furnished the city was equal to 162 gallons for each house per diem, or 27 gallons to each inhabitant, counting six persons to each house.

The city of Philadelphia, as shown by a report of the watering committee for 1832, supplies 13,806 houses, factories, &c. with about two million of gallons per day, equal to 146 gallons to each establishment, or about 24 gallons for every inhabitant, allowing six persons to a house.

The city of Edinburgh and Leith distributes about 15 gallons to each inhabitant, estimating 130,000 persons who use the water, or 1,950,000 gallons every twenty-four hours. These works may be

increased, so as to deliver 2,661,120 gallons per day, equal to twenty and a half gallons to each person.

The mean rate of these several quantities of 27, 24, and 15, is 22; and the Commissioners have adopted 22 gallons for each inhabitant of the city of New-York, as the quantity required for every purpose, which will make it necessary that 6,600,000 gallons should be delivered at the distributing reservoir every 24 hours. The Commissioners have shown, however, that five or six times that quantity may be obtained, and brought to the city, if required.

Every city of note, whether in our own country or in Europe, has found it indispensable, as soon as the population became densely settled, and the streets paved and compactly improved, to look for a supply of water from distant and remote sources.

The magnificent works of the Romans, erected for the purpose of conveying water to that city, are spoken of with admiration by those who have examined what still remains of them. We are told that the water was brought from sources at the distance of thirty, forty, sixty, and in some instances, of one hundred miles; that there were twenty aqueducts through which the water was conveyed, and the supply was equal to 40,000,000 of gallons daily. To effect this object, mountains were levelled, rocks excavated, in one instance of a mile in length, and valleys were filled up. The aqueducts of Nismes, and Metz in France, and of Constantinople in Turkey, also owe their construction to the Romans.

In more modern times, reference may be had to the cities of London, Paris, Versailles, and Edinburgh in Europe, and Philadelphia, and several other cities of less note in our own country.

Most of these cities possessed local advantages for a supply of water, far greater than the city of New-York; for in addition to their wells, our only resource, the waters of the rivers on which they were situated, were fresh, while that which surrounds this city is salt and unfit for the use of man.

The city of London, until it became densely settled, drew its supply of water from wells and several small streams in the vicinity, and when the well water became hard and unfit for ordinary use, and the streams obstructed by buildings, a resort was had to the water of the river Thames, by means of machinery; but this was

found so liable to become turbid and foul, that pure water became a desirable object with the inhabitants, and in 1608 the present works of the new river were commenced, and finally completed in 1613.

The people of Rome were contented with the water of the river Tiber and the wells in that city, for a length of years after its first settlement; but when the buildings and population became dense, they also found it necessary to resort to remote places for a supply of pure water, by the means of aqueducts.

The same causes which operated in these and other cities, and which induced a resort to distant sources for a supply of good water, are now operating in the city of New-York with increasing force—viz. an almost total deterioration of the water obtained from the wells and pumps, in all that part of the city closely built upon and densely populated.

The water procured from a large portion of the wells of this city, where the population has become dense, is unfit for ordinary use, and very deficient in supply: and the well belonging to the Manhattan Company in Reed-street, which supplies a portion of the inhabitants with water for drink and culinary purposes, although it is said to be capable of yielding more than 1,000,000 gallons in twenty-four hours, is nevertheless of the same bad character with the other wells in the thickly populated parts of the city, and is so impregnated with foreign matters, that the use of it, in the opinion of the Commissioners, must be more or less injurious to the health of those who partake of it.

In 1831, a communication was presented to the common council of the city of New-York, by a committee of the "Lyceum of Natural History," answering certain queries proposed to that institution on the practicability of supplying the city with good water within its own limits. In the communication alluded to, the committee enter into an examination of the sources, the quantity, and the purity of the water on the island of New-York, and arrive at the following conclusions:

First, that the water obtained from the wells in the city is derived wholly and exclusively from the atmosphere, either in the shape of rain, hail, or snow; that this is first absorbed by the sand or earth, through which it descends until it reaches the rock on

which the island rests, or until it saturates the earth and can make no further progress.

Second, that by numerous observations the annual fall of water, on an average, is calculated at about thirty-six inches; but, that the available amount cannot be accurately estimated, as allowance must be made for the evaporation and the quantity carried off over the paved streets, and other outlets to the river.

Thirdly, from analyses of a number of the well and pump waters, in different sections of the city, by George Chilton, esquire, chemist, it has been ascertained, that the water of one of the wells contained ten grains of foreign matter in a pint, or eighty grains to the gallon; another, seven grains to the pint, or fifty-six to the gallon; a third, thirty-six to the gallon; and a fourth, about thirty-three to the gallon. These gentlemen state as their unanimous opinion, "that no adequate supply of good and wholesome water can be obtained on this island, for the wants of a large and rapidly increasing city like New-York."

There are wells, however, in the thinly settled parts of the island from which good water is still obtained; but from the fact, within the recollection of hundreds, that but a few years back the wells now producing bad water then produced good, the Commissioners conclude, that the water obtained in the northern parts of our city, when that section shall become densely populated, will share the same fate as that in the south, where it has undergone a change from good to bad.

An opinion is entertained by many of our citizens, however, that water of a good quality, and in sufficient quantity, may be obtained in any part of the city of New-York, by deep excavating or boring of the rock on which the island rests.

The Commissioners have endeavored to obtain information on this subject, and, with that object, they have inspected such of the wells as have produced good water, in considerable quantity, by deep excavation or boring in the rock: and to the same end, they have been furnished by Mr. Levi Disbrow, who holds a patent for his improved instruments used in penetrating or boring rock, with a detailed statement of the whole of his operations in boring for water on the island of New-York.

From this document it appears, that he has operated in *twenty-three* different sections of the city, and has, except in a few in-

stances, been successful in producing good water. In *seventeen cases*, he terminated at, or before reaching the rock, and penetrated the earth from *sixty to one hundred and thirty feet* below the surface; and in six cases, he penetrated the rock from *one hundred and twenty to five hundred feet*.

The principal and most successful operations of Mr. Disbrow are, the deep boring for the Manhattan Company at the corner of Broadway and Bleecker-street, and for Mr. G. Richards' distillery at the corner of Factory and Perry-streets. He has also made a boring at Holt's Hotel, corner of Pearl and Fulton-streets, of one hundred and thirty feet in the earth and five hundred in the rock, or six hundred and thirty feet below the surface. The success of this operation, however, was not ascertained when this report was written, except that it yielded brackish water.

The next operation worthy of note, though not effected by Mr. Disbrow, is the well sunk by the corporation of this city, at Thirteenth-street. This well is 17 feet in diameter, and 113 feet in depth, with three horizontal excavations of four feet in width and six in height, and extending from the bottom of the well, in the rock, two of them seventy-five and one of them one hundred and ten feet in length.

This well produces about 21,000 gallons of water in twenty-four hours. The water, however, on applying the usual test with soap, proved hard, no foam being formed on its surface, and to the taste it appeared strongly impregnated with some mineral substance, which unfitted it for drink or culinary purposes.* The Commissioners were, nevertheless, assured by several members of the Corporation, that before excavating the horizontal openings the water was as pure and as soft as that which descends from the clouds, and that the change in its quality was entirely owing to that operation.

The well at Mr. Richards' distillery is sunk two hundred feet through the earth and rock, and yields about the same quantity of water as the well sunk by the Corporation.

The well sunk by the Manhattan Company the Commissioners consider a very successful operation. It is 442 feet in depth, 42 feet from the surface to the rock, and 400 feet in the rock. The

*See note on the next page.

water did not appear to be perfectly soft on testing it with soap,* but may, with much propriety, be pronounced good and wholesome; and why it has not been distributed to the citizens by the company, instead of the disagreeable and unwholesome article drawn from their well in Reed-street, is to the Commissioners unaccountable. It does not follow, however, because this boring has succeeded in bringing up a large supply of good water, that all other attempts will be successful. That many of them will fail in quantity, as well as quality, is evident, we think, from the results of the Corporation well. Before the excavations in the horizontal openings in that well, the water was pure and soft; but by extending one of these excavations only thirty-five feet further in the rock than the others, it became hard and unfit for ordinary use; and there is no good reason, in the opinion of the Commissioners, why a boring thirty or forty feet distant from the well in Bleeker-street may not produce water equally unfit for use with the well at Thirteenth-street.

The well at Bleeker-street is said to be capable of yielding upwards of 120,000 gallons in twenty-four hours, while the well at Thirteenth-street only yields about 21,000 gallons in the same space of time. The Bleeker-street well is but seven inches in diameter, while the Thirteenth-street well is 17 feet in diameter, besides three excavations of four feet wide and six feet high, two of them seventy-five feet in length and one 110 feet in length.

* Since writing the foregoing report, the Commissioners have received the following analysis of the water taken from the well in Bleeker-street, and from the Corporation well in Thirteenth-street, a quantity of each having been furnished by Mr. Chilton for the purpose:

BLEEKER-STREET WATER.

By the application of tests, this water contains sulphates, muriates, carbonates, iron, and vegetable extracts, in considerable quantity.

One quart yielded, by evaporation, 20 grains of solid matter, three-fifths of which were soluble in water containing sulphate and muriate of soda and magnesia, with a little sulphate of lime; the other two-fifths consisted of carbonate of lime, carbonate of magnesia, sulphate of lime, iron, and extract.

CORPORATION WELL.

This water contains nearly the same ingredients as were found in the Bleeker-street water, but less in quantity. One quart left, by evaporation, 14.1 grains.

NOTE.—If the Commissioners think it necessary, these waters can be examined with greater minuteness and precision, as we can command any quantity, they being accessible and on the spot.

(Signed)

GEORGE CHILTON

November 11, 1838.

The great space of rock which has been penetrated in excavating the Thirteenth-street well, compared with that at Bleecker-street, and the disparity in the quantity of water furnished by the former, when compared with the latter, shows conclusively that the same success, which has resulted from the boring at Bleecker-street, cannot be expected to follow every similar operation; otherwise the supply at Thirteenth-street ought to have been immeasurably greater, instead of so much less, than that at Bleecker-street.

The well sunk by the corporation at Thirteenth-street, although a very useful project, has been a very expensive one to the city, having cost, including the land, \$57,972.38. The Commissioners have no data by which to estimate the cost of the Manhattan well, if put in a situation to distribute the water, with *engine, reservoir, &c.*, similar to the well in Thirteenth-street; but they have no reason to think it will be less than that belonging to the corporation. Nor can the Commissioners bring their minds to the conclusion after an impartial view of the various experiments which have been made, and the information they have been enabled to collect on the subject, that the project of boring for water will be more successful on a general scale, either in cost or supply, than that of the well at Thirteenth-street.

The Commissioners estimate the present population of this city at about 250,000; and as a large portion of the 12th ward is under culture, and will not require an immediate supply of water, we deduct 12,000 as the probable population, leaving the population of the 14 lower wards at 238,000, or for each ward about 17,000 inhabitants. It will require, therefore, allowing 22 gallons for each person, 347,000 gallons for the daily consumption of each ward; and, consequently, three such wells as that on Bleecker-street to supply it, or forty-two in all, with their steam engines in constant operation.

In a financial point of view, taking the corporation well as a data, it will appear, that the annual expense to the city, by the project of deep boring for water, will be much greater than for bringing it from a distant source.

It has been stated, that the corporation well cost \$57,972, and that it will require 42 wells, yielding 125,000 gallons daily, to supply the present population.

[Senate No. 38.]

42 wells, including the land, engine, reservoir, &c.,	
will amount to.....	\$2,518,825 00
The interest on this sum annually, at 5 per cent,	
will amount to.....	125,941 00
The annual expense of working an engine of twelve horse power, night and day, is estimated as follows:	
42 bushels of coal per day, at 21 cents, for 365 days, is	\$3,219 30
2 engineers and 2 assistants, at 6 dollars per day,...	2,119 00
Oil, tallow, &c. at 14 cents per day,.....	51 10
Wear and tear of machinery, at 30 cents per day,	109 50
	<hr/>
Annual expense of one engine,.....	\$5,569 90
	<hr/>
The annual expense of 42 engines will be.....	\$233,935 00
Add the interest on capital, as above,.....	125,941 00
	<hr/>
Total annual expense for raising water from wells,	\$359,876 00
	<hr/>

Assuming the sum of 5 millions of dollars as the cost of bringing the Croton waters to the city, and the interest on this sum at 5 per cent, will amount to \$250,000 dollars, which is \$109,876 less, annually, than what it will cost to raise the water by machinery if the data we have assumed be correct.

Now, if we were satisfied (which we are not) that by the operation of boring, a sufficient supply of water could be obtained, in each of the wards, to employ these *forty-two* steam engines in filling as many reservoirs with good water, and that the expense would not exceed the bringing it from a distance, a strong objection would still arise to placing *forty-two* steam engines in the densely settled parts of the city, to annoy and disturb a neighborhood with the unceasing noise and clatter of the machinery, the constant smoke of the furnaces and the incessant discharge of steam; thus depreciating the value of property for a distance around, and driving from their vicinity every citizen whose means would permit him to seek for more peaceful and comfortable quarters. But when we take into consideration the uncertainty of a supply, even equal to that now obtained from these sources, the difficulty and expense of elevating the water to a sufficient height, and the reasonable ground we have to fear that whenever the vicinity of these wells shall be densely settled, the water will deteriorate and become unfit for use, there would seem to be sufficient

reason to induce the corporation and citizens to discard all reliance for a sufficient supply of good water, on the sources within the limits of this city, and to look to a distant source, abundant in its nature, and not subject to doubt as to its quality, quantity, or practicability of introduction, and at such an elevation as shall exclude the necessity of using machinery.

The subject of supplying the city of New-York with water is, by no means, a new project or of recent date, for, as early as 1774, when the population of the city did not exceed twenty-two thousand inhabitants, works were commenced on the then high ground to the northwest of the Collect Pond then in existence, but now filled up and converted into building lots. Christopher Collis was the engineer to these works, and, under the direction of a committee of the common council, he constructed a spacious reservoir on the east line of Broadway, between what is now known as Pearl and White-streets, and sunk a well of large dimensions in the vicinity of the Collect. For the purpose of defraying the expense of the work, the corporation issued a paper money, amounting to *two thousand five hundred pounds*, under the denomination of water-works money, and bonds were executed in favor of certain individuals for land and materials to the amount of *eight-thousand eight hundred and fifty pounds* more. The war of the revolution, however, which commenced in 1775, and the consequent occupation of this city by the British troops, was the cause of the abandonment of the work in its unfinished state.

In 1798 the common council appointed a committee to investigate the subject of supplying the city with good water, who reported as their opinion, that a supply might be obtained from the river Bronx, and submitted a memoir, drawn up by Dr. Joseph Brown, recommending these waters.

In 1799 the common council employed William Weston, a civil engineer, to examine the river Bronx, relative to bringing its waters to the city, and to report his opinion to the corporation with the requisite plans and estimates, as soon as practicable.

In March, 1799, Mr. Weston made his report. He seems to hold the opinion, that the Bronx will give a supply, but furnishes no gauge of the river, further than to calculate the quantity contained in the Rye ponds, its principal source; nor does he furnish any estimate of the expense.

We find nothing on the minutes of the common council on the subject, until 1822, owing probably to the incorporation of the Manhattan company, by act of the Legislature, passed the second of April, 1799.

The avowed object of this company was to supply the city with pure and wholesome water; but, instead of looking to a foreign source for a supply, as their charter indicated, they have contented themselves with erecting their present works on Chamber and Reed-streets, and instead of a supply of good and wholesome water, they have distributed, and continue to distribute, an article which according to an analysis made in 1831, by George Chilton, Esquire, contains one hundred and twenty-five grains of foreign matter in every gallon.

In 1822 the subject was again brought to the consideration of the Common Council, by the Mayor, and a committee was appointed, to which it was referred. In the month of March of that year, this committee reported, that they had made a personal examination of the Bronx river, and of the lakes which form its principal sources, and recommend the appointment of a civil engineer to make surveys, and furnish profiles, maps and estimates of the cost.

The engineer employed was Canvas White, Esquire, who did not report to the corporation until 1824. In this report, Mr. White proposes taking the water of the Bronx from the Westchester Cotton Factory pond. He thinks that the natural flow of the river, in the driest season, will furnish 3,000,000 gallons per day, and by raising a dam of six feet to the upper Rye pond, and lowering the outlet two feet, 3,600,000 gallons more, per day, may be obtained, and thus a daily supply of 6,600,000 gallons can be brought to the city every twenty-four hours. The cost of bringing the water to a reservoir near the Park, is estimated at \$1,949,542.

Here the subject rested again until 1825, when the Legislature incorporated a company, by the name of the New-York Water Works Company, with authority to supply the city with pure water. Canvas White, Esquire, was also appointed engineer to this company, and in his report to the directors, he recommends taking the waters of the Bronx at Underhill's bridge; estimates that 9,100,000 gallons of water may be delivered in the city, daily, and that the whole expense will not exceed \$1,450,000.

The charter of this company proved so defective in practice, that they were unable to proceed under it, and they accordingly applied to the Legislature in 1826 for an amendment, authorizing the company to take such of the waters, land and materials, by appraisement of indifferent persons, as might be required for the work. In this application, however, they were defeated, by the opposition of the Sharon Canal company, incorporated in 1823, who claimed under their charter all the water on the route of their canal. The Water Works company was accordingly dissolved in 1827.

In 1831, a committee of the Board of Aldermen reported in favor of applying to the Legislature for an act, granting power to the common council to raise money by loan, for the purpose of introducing a supply of pure water to the city. The act was transmitted to the Legislature, but did not pass into a law.

In 1832, De Witt Clinton, Esquire, civil engineer, was employed by the common council to examine the route to Croton river, and such other sources in that vicinity, from which an inexhaustible supply of pure water may be obtained; to report the best plan of crossing the Harlem river, conducting the water to the city, and the expense of the whole project.

In December, 1832, Mr. Clinton reported in favor of taking the waters of the Croton at Pine's bridge, which he states to be 183 feet above the level of the Hudson; to conduct the water in an open aqueduct following the line of the Croton and Hudson rivers, and cross Harlem river on an arch of 138 feet high, and 1,000 feet in length. The whole cost he estimates at \$2,500,000.

It does not appear, however, that any levels were run, or survey made by Mr. Clinton, of the route he recommends; but that he depended on the information of others, together with his personal observation, for the subject matter of his report.

In 1833, the common council petitioned for the act, under the authority of which this report is made, and which became a law of this State, on the 26th of February, 1833.

The foregoing is but a brief outline of the various attempts which have been made to consummate this interesting object: and the reason for introducing them in this report, is, mainly to show, that from a very remote period to the present time, the project has been

considered indispensable to the welfare of the inhabitants of this city, and that, as the improvements are extended, and the population increased, in the same ratio will the necessity and importance of the measure increase in magnitude.

So much has been said and written by learned and scientific men, on the utility and necessity of a copious supply of pure and wholesome water, for the use of this large and growing metropolis, that it may be deemed futile in the Commissioners to attempt any additional observations on a matter, so ably elucidated by those who have gone before them. They must claim the privilege, however, of making a few brief remarks.

The necessity of a supply of this indispensable element of consumption, appears now to be generally admitted, both as conducive to the health and prosperity of the city, as well as to the immediate comfort of its inhabitants, and the numerous visitants, on business or for other purposes. The daily use of a fluid, containing a portion of mineral substance, which we are assured by eminent practitioners of medicine, is more or less injurious to health, imperceptibly undermining the whole animal system, and producing disease, which either shortens life, or makes it miserable, is a matter of too much importance, not to have attracted the attention of the visitors, as well as the residents of this city.

It is a fact also, which the Commissioners presume will not be disputed, that the whole state is deeply interested in the health and prosperity of this city, both as a market for its produce, and a mart at which the merchandize of every quarter of the globe may be obtained. One season of epidemic disease, therefore, by which the inhabitants of other parts of the state shall be deprived of this market, whether it be for the sale of the agricultural products of the country, or for a supply of domestic and foreign articles of use and consumption, would be of more real injury, in the aggregate, than the expense of carrying the project, of supplying this city with pure and wholesome water, into effect, will cost. No facility, therefore, which the Legislature can consistently grant in furtherance of this necessary project, ought to be withheld.

In a domestic point of view, and relative to the general health of the city, in which every man, woman or child is interested, as as well those who are still blessed with a supply of good water in

their vicinity as those who are not, the subject is of the first importance. In this point of view, the benefits from a sufficient and copious supply of water, for the purpose of washing the streets, gutters, and sewers, are incalculable. By bringing the waters to the city at a proper elevation, bathing establishments may be supplied on moderate terms, as well in private houses, as in those of public resort. Fountains may be opened in the public squares at a trifling expense, improving the atmosphere, and thus promoting the general health and comfort of all. The occurrence of pestilence may be prevented, or at least very much mitigated in its severity; the prosperity of the city advanced; the interest of those who depend on the metropolis of the state as a market for their produce, promoted, and the comfort and happiness of posterity secured.

For the extinguishment of fires, the benefit of an adequate supply of water must be self-evident, not only in preventing the destruction of a vast amount of property, but in the preservation of the lives as well as the health of our firemen and others, and the total ruin in many instances of those who are the subjects of the calamity. The advantages which have resulted from the partial supply of water from the corporation well at Thirteenth-street, for this purpose, has been such as to warrant the belief, should a sufficient supply of water be procured and conducted through all the streets of the city, that several hundred thousand dollars would be annually saved by the operation.

In addition to all these benefits, with many others not enumerated, there would be saved to the owners of real estate the expense of building cisterns for the reception of rain water, and the digging of wells for the production of pump water, together with a large reduction of the premium now paid for insuring against loss by fire.

The utility of the measure being acknowledged, as the Commissioners have reason to believe it is, by a large majority of the citizens, the only questions of importance which can arise on the subject, are, first the source from which the water is to be brought; second, the manner of bringing it; and third, the difficulties to be encountered, and the expense of the project.

With the information in the possession of the corporation, should they decide, and the Legislature permit them, to carry the project

into effect, the first and second consideration may be safely entrusted to the judgment of those who shall be elected to superintend and direct the operations. The difficulties to be encountered are much less, in the opinion of the Commissioners, than those which have been overcome, both in this country and Europe. The deep cuttings and embankments on the Erie canal, are far greater than any thing which occurs on the line by which it is proposed to bring the water to this city; and were it necessary, numerous internal improvements might be referred to, in various parts of the United States, both on the canals and rail-roads, where greater obstacles have been overcome, than any we have to contend with. In Europe, instances are in abundance, where insurmountable difficulties, in appearance, were overcome. In the construction of New River Water Works, at London, the water is brought by a winding course of forty-two miles, crosses several valleys of considerable extent, and in one instance runs in a subterraneous channel for 600 feet beneath a street of the city. The original shares in this company were one hundred pounds each; they are now said to be worth one thousand pounds each. For the purpose of introducing good water into the city of Edinburgh, a great bank was constructed across a valley, 450 feet at the base, and 120 feet in height, which increased the cost of the work at least one-third.—The aqueduct by which the water is conveyed to the city, is, at one point, carried along an artificial embankment 40 feet above the natural surface of the earth. In another, a tunnel was necessary 80 feet below the surface, and in another, the solid rock was excavated, forming a subterraneous passage of 700 feet in length.—Now, if this city, with its population of 150,000, was willing to encounter the difficulties above noted, with a view of providing for a supply of pure water, how much more ought the city of New-York, with its 250,000 inhabitants, be willing to encounter the few obstacles which appear in the way of consummating a like object?

As to the cost, necessarily large, owing to the situation and construction of the island on which the city is built, and the distance from which the water is to be brought, there cannot be a doubt, in the opinion of the Commissioners, but that the operation will prove a saving concern, if properly and judiciously conducted, and eventually, when the population of the city shall have reached its maximum, result in great profit to the proprietors.

This State has the honor of being pioneer in the great improvements of intercourse by canals and rail-roads, and the project under consideration, although not of such general interest as the others, is nevertheless, in some points of view, equally important; and, if effected, will be creditable to the State as well as to the city. In this respect, therefore, the subject recommends itself to the favorable consideration both of the corporation and of the Legislature.

An accurate map has been drawn of the country, in which the head-waters of the Croton, Sawmill, Bronx, and Byram rivers, are situated, designating the lines which have been run by the engineer, and the proposed routes of conducting the water to the city; also, profiles of the elevations and depressions of the country on the line of the conduits, both of the interior and river route; and an accurate exhibit of the gauges of the several streams; also, a representation of the form of the conduits through which it is intended the waters shall pass to the city; a lithographic engraving of all which, accompanies this report, and to which the Commissioners beg leave to refer.

All which is respectfully submitted,

STEPHEN ALLEN.

SAUL ALLEY,

WILLIAM W. FOX,

CHAS. DUSENBERRY,

BENJAMIN M. BROWN,

Commissioners.

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DOCUMENTS.

LETTER FROM CANVASS WHITE, ESQ.

New-York, October 30, 1833.

TO THE WATER COMMISSIONERS
FOR THE CITY OF NEW-YORK.

Gentlemen,

When I received from you the appointment as one of the engineers for making the surveys and examinations for supplying the city with pure and wholesome water, I presumed that I should, in the course of the season, be able to discharge the duties assigned me, but the peculiar situation of the important public works, under my care in the State of New-Jersey, being procrastinated by the unprecedented floods, prevented my making such further examinations as was desirable. I was, however, twice on the ground with my assistants, and made some progress in gauging the waters of the Croton river; but the storms compelled me to desist, and repair to my charge in New-Jersey; and thus the season has passed away without being able to accomplish the desirable object within the stipulated time.

I have for several years felt a deep interest in the subject of supplying the city with good water, and regret very much that my arduous duties have prevented my making such examinations this season as I had a strong desire to do, and, of course, expected of me by the Commissioners. I hope the disappointment may not be injurious to the discharge of the trust reposed in you, and that you will be able to make a satisfactory report, from personal observation and information gained from other sources.

Yours, very respectfully,
CANVASS WHITE.

ENGINEER'S REPORT.

Hon. STEPHEN ALLEN, Chairman, } *Commissioners for making ex-*
 SAUL ALLEY, } *aminations relative to the sup-*
 WM. W. FOX, } *ply of the city with pure and*
 BENJ'N. M. BROWN, and } *wholesome water*
 CHAS. DUSENBERRY, Esqrs. }

GENTLEMEN,

In laying before you the drafts and plans connected with the surveys and examinations, upon which I have been engaged during the season, it becomes my duty to communicate a summary report of the operations of the survey and of the results and conclusions to which they lead.

Our field operations commenced early in the month of June—having myself devoted the early part of the month to a general reconnaissance of the ground. I collected the party on the 20th at the mouth of the Croton, and began the instrumental survey. The starting point for the level was taken at the ordinary low water of the Hudson at that place, from which we ascended immediately up the side hill to the height of 170 feet, which was assumed as the average of our first trial in the valley of the Croton. The line, in the first instance, was conducted up along the south bank of the stream, harmonizing much better than I expected with the broken ground at the mouth of the Croton. At Garretson's mill, however, the slope of the bank became so difficult, by reason of the precipitous ledges of rock, that it became necessary to transfer to the opposite side, and the remainder of our line was continued on that side until it struck the bed of the river. This it did at Wood's bridge, near the confluence of Cross river, about twelve miles from the mouth of the Croton; the surface of the water, at the bridge, being 169.65 feet. From this point the line was carried, without regarding any particular average, up the north bank of the river, through Somerstown and the valley of the west branch of the Croton, to a point about two miles above the county line, where a height of 230 feet was attained in the first instance, and this subsequently increased to 300 by the continuation of the line to the outlet of Crosby's pond, up which a trial was also made to the pond itself. From the line thus traced offsets were carried, in the progress of the survey, up the middle and east branches of the Croton, and one of the tributaries of the former, rising, in each case, to about 290 feet—and a line, for connecting these surveys with those of the lower Croton, was run, by way of trial, down the left bank of the river, from Owensville to Wood's bridge. In the latter vicinity an offset line was carried up the Muscoot to Bedel's millpond, at the height of 283 feet; others, up Cross river and its tributaries, the Beaver dam and Broad brook; and another, by the valley of Muddy brook, up the Cisco; and the connexion of this last down the valley of the Cisco itself, and by the left bank of the Croton to Wood's and Pines' bridges, completed the arduous but highly interesting examination of these waters; the gauging only being reserved for a drier period of the season.

It will be proper to remark in this place, that the lines just described, and all other lines instrumentally surveyed, are indicated on the map by a *red trace*; the stations being numbered, in part, so as to tally with the numbers of the field books.

The next object of our attention was, to examine the grounds south of the Croton, with a view of obtaining practical routes in the direction of the city. A very brief reconnoissance, in the first instance, was sufficient to show, that among the deeply undulating and apparently irregular hills of this region are contained the rudiments of a great ridge, dividing the waters of the Croton from those running south, and only intersected here and there by certain defiles, in which the streams of both slopes take their rise. In the first of these defiles, passing from the Hudson eastward, the stream of Sleepy-Hollow running south, and a small mill stream, which empties into the Croton below Pine's bridge, running in the opposite direction, head together. In another, a branch of the Cisco and Sawmill river—in another, another branch of the Cisco and the Bronx—in another, the Cisco itself and the Wampus—and in others, farther east, the branches of the Beaver dam and various waters of Long Island sound. It became necessary to explore all these, as well as the ground at the mouth of the Croton and along the margin of the Hudson, with reference to our object.

Without authentic information in the early stages of our work, there was a remote possibility of finding a pass among the easternmost of the waters mentioned, viz. the branches of the Beaver dam. But in exploring these, as tributaries and feeders of the Croton, this question was soon put to rest. It became evident, that no practicable pass could be obtained in that direction.

The next line examined was that of the main Cisco and Wampus, which was levelled over from Newcastle to Wampus pond, with the following results:

Kirby's millpond on the Cisco,.....	344,049	feet above 0.
Dividing ridge near Wampus,.....	479,055	do
Surface of water in Wampus pond,..	453,469	do
Distance from Kirby's to Wampus,.	24	miles.

These heights being greatly above those to which I had generally limited my examinations on the Croton, this route was, of course, given up.

The instruments were next placed upon the line which leads to the head of the Bronx by the middle branch of the Cisco; but upon running up the latter to the height of 374 feet; and finding it still a competent mill stream at a distance from the dividing point, and with a considerable fall therefrom, this route was also abandoned.

We come next to the defile, which leads by the west branch of the Cisco into the valley of the Sawmill river, and here it was our happiness to find a very considerable amelioration in the character of the ground. The bed of the valley is remarkably uniform in shape and direction, having no immediate indication of rock near the surface, except towards the south part of the defile, and of

sufficient width for any mode of construction which it might be thought proper to adopt. Its elevation, although sufficiently great in comparison with that of the Croton and its branches to present a question of some interest to the mind of the engineer, was not considered such as to preclude the location of a practicable route, and this view being confirmed in the progress of our examination, it has been adopted, and is presented on the map as *one of the locations* for our aqueduct line. Its discussion will be resumed as soon as we shall have completed our detail of the operations of the survey.

The line from Pine's bridge, in the direction of Sleepy Hollow, was enumerated as deserving some consideration. Upon trial, however, with the instruments, it proved to be nearly twenty feet higher than the last mentioned, holding out to a more considerable distance in each direction, without any great diminution in height, and with a regular substratum of solid rock immediately beneath the soil. It was, of course, given up. In addition to the above, it was hoped in the early stages of the survey, that a line *might* be obtained among the ravines immediately back of Sing-Sing, so as to cut off the broken ground near the mouth of the Croton; but, after some time and labor devoted to the examination of that vicinity, it was given up as impracticable.

The line by the mouth of the Croton and along the margin of the Hudson, was the only one remaining to be examined in connexion with the Croton waters. This was resumed near the point where our operations were first commenced, and carried downward along the face of the slope of the river, sometimes on the immediate margin of the Hudson, but often with a view of obtaining better ground, cutting into the valleys farther inland. This route no where presented any difficulties involving the question of practicability, as it was always *possible* to turn the flank of any obstacle on the side next the river. But in doing this it became important to guard against abrupt sinuosities, which would increase the expense of construction by the increment of length, beyond the limit of any countervailing advantage. It became necessary, therefore, in almost every step of our progress down this line to discuss questions of detail; and the necessity of making frequent collateral trials and examinations, with reference to this object, rendered our progress comparatively slow.

The first important question of this kind, after leaving the broken ground at the mouth of the Croton and in the neighborhood of Sing-Sing, occurred at the passage of the Mill river and Sleepy Hollow, near Tarrytown; and several days were spent in laborious examinations at this point, before a satisfactory location was obtained.

The next question of a similar kind, related to the transfer of the line from the margin of the Hudson into the valley of the Sawmill river, for which purpose several trials were made, as will be seen by the red lines on the map, between Tarrytown and Yonkers.— This object being at length attained, and our line transferred to the east bank of Sawmill river, the next general object of our exami-

nation was to ascertain the continuity of the high ground, by which to sustain our level line in the direction of the city. In this respect, the ridge nearest the Hudson, below Yonkers, failed entirely, and it became necessary to penetrate into the valley of Tibbit's brook, and gain the ridge east of that stream. This after many trials was happily accomplished, and the survey then proceeded, without further interruption, to the crossing of Harlem river.

Before arriving at this point, however, with our Croton lines, a digression had been made from the valley of Sawmill river, near Unionville church, into that of the Bronx, and extended up the latter, so as to embrace a full survey of the Rye ponds, and a line from these to Byram river. These examinations were afterwards carried down the valley of the Bronx, and resulted in a location, commencing at Popham's Calico Factory; this being the lowest point at which it was found practicable to take the waters of this river, so as to deliver them at the requisite height in the city without the intervention of machinery.

Other routes originating at lower points on the Bronx, and which of course would require the aid of an extraneous elevating power, were not examined further than to survey with great care the *water power*, of the *Harlem river*, which being found inadequate to the performance which any feasible location upon this principle would require, further examinations were deemed unnecessary. I shall return again to this subject in the following part of this report, and I trust it will be seen, that while I have given to it every consideration which its importance in the public estimation required, I have endeavored to do so with the utmost deference to the highly respectable authorities, by which these routes have been recommended.

Our two lines from the Croton closed upon each other in the valley of the Sawmill river, near the intersection of the Tuckahoe road. That from the Bronx united with them on the heights of Fordham, and from this point a single line across Harlem river established the connexion of the three with the city. This connecting line was closed on the city plat, at the corner of 118th street and Tenth Avenue, finishing the labors of the party as such on the fourth of September; and the balance of the week devoted by myself to the gauging the streams, and the examination of the head waters of the Croton, brought the field duties of the survey to a final close.

It will be seen from the course of the examination thus detailed, that all the routes from the Croton except *two*, were disposed of in the first trials. We now proceed to a more particular examination of *these two*, referring as occasion requires to their respective delineations on the map.

The Inland, or Sawmill River Route.

In the course of the examinations, with a view to determine the practicability of this route, my attention was drawn to a natural basin of solid rock, in an elevated and remarkably central position,

near Mechanicsville, or Wood's bridge. Its height is about 266 feet above our zero, and the view from it suggests at once the important and interesting relation in which it stands (with reference to our present object) to the waters of the Muscoot, Cross and Beaver dam as well as to those of the main Croton. This position was accordingly chosen as the location of a reservoir, marked on the map as the confluent reservoir, calculated to receive the waters of the streams mentioned, by means of iron feed pipes of the largest size. The location of these pipes indicated on the map by purple lines, radiating in their respective directions from the confluent reservoir, and terminating with small fountain head reservoirs in the beds of the streams to which they belong.

The Muscoot pipe, for example, radiates from the west side of the confluent reservoir, and passing up the valley of the Muscoot, terminates on the reservoir marked H, at the distance of three and one-eighth miles.

The Cross river pipe in like manner passes from the east side of the confluent reservoir, and terminates at the reservoir marked E, in the bed of Cross river, three miles distant.

The Beaver dam pipe, one and seven-eighths miles long, unites the reservoir of that stream, marked F, with the confluent reservoir, and a branch three-fourths of a mile long receives the waters of the Broad brook reservoir, marked G.

The main Croton pipe, crossing Cross river, runs up the valley of the Croton, and terminates in a reservoir on the west branch, marked C, at the distance of nine and three-quarter miles from the confluent reservoir, having a branch pipe of two miles leading up Middle brook to the reservoir D, and another of two and a half miles may be run up the east branch to the reservoir I, if it should be thought advisable to take in that branch.

These pipes, I observe again, are calculated to conduct the waters of their different fountains into their confluent reservoir; the water surface of the latter being assumed at 270 feet above tide, and the different fountain reservoirs in such a relation of height as to insure a head of from three to four feet per mile in each branch. The confluent reservoir not being intended for the storage of the water, as many positions better adapted to that object occur in the progress of the line, is calculated at about two and a half chains square, nearly two-thirds of an acre; but the locality admits of a construction, if such should be thought necessary, embracing an area of two acres. Other positions than that here chosen were viewed in the same vicinity, with a favorable impression of their advantages, for the purpose mentioned, and it is not improbable that in the minute survey of the ground preparatory to an actual location, some improvements may be made in the location of the pipes. The *principle*, however, will not materially vary, and the general conclusions, which are drawn from the system as described, will be equally predicable of any modification of it.

The supply of water that may be obtained at the confluent reservoir, by this system of feeders, deserves particular attention before we proceed to the subsequent constructions of this route. The quantities running in the different streams enumerated, at the low-

est season of the present year, were ascertained by gauging with great care, on the fourth, fifth and sixth of September. There had not at that time been an entire rainy day in the vicinity since the third of July, and as a considerable rain occurred almost immediately after, it is presumed that the quantities then running were a fair minimum of the present year's supply. The results were as follows:

Muscoot,.....	3,628,800	galls. per diem
Cross river,.....	9,142,400	
Beaver dam and Broad brook,.	4,963,480	
Cisco,	2,973,600	
West branch of Croton,.....	5,287,680	
Middle do. do.....	1,252,000	
East do. do.....	6,155,800	

Total,..... 32,503,760 galls. per diem.

The testimony of the inhabitants as to the state of the streams at the time of gauging, compared with that of other seasons, was that the waters were "very low—seldom lower," and according to the statement of some, "never." The great drought of 1816 was the only one which was generally excepted in the comparison of seasons; and from the marks and indications shown me of the state of the waters at that time, I was led to infer that they might have been fifteen, possibly twenty per cent. lower than at the time of my examination. It was said indeed that the Croton might have been crossed during that season without wetting the feet; but this amounts to nothing: it could be said with truth of much larger streams, and might have been done at many places on the Croton at the time I gauged it, when there were certainly not less than fifty millions of gallons daily rolling down it. The shores of the Croton and its branches have been so long cleared up and cultivated, that it is not probable the supply of water will hereafter undergo any considerable variation from further improvements; and the allowance of one-fifth, therefore, on the foregoing results, to meet an extraordinary state of the waters, such as that in 1816, must be considered as sufficiently cautious for any possible contingency.

The results reduced in this ratio will be found as follows:

Muscoot,.....	2,003,040	galls. per diem.
Cross river,.....	7,313,920	
Beaver dam and Broad brook,.	3,070,784	
Cisco,	1,658,880	
West branch of Croton,.....	4,230,144	
Middle do. do.....	1,001,600	
East do.	4,923,840	

Total,..... 26,003,008 galls. per diem.

Twenty-six millions of gallons, therefore may safely be calculated upon as the daily running supply of the streams mentioned, without
[Senate No. 38.]

including the amount to be obtained by storage on the numerous lakes and spring water ponds connected therewith. The number of these is almost incredible. I visited seventeen of them in the course of three days; of which, twelve furnish a superficial area of more than three thousand acres, and would yield with a disposable head of only four feet, an additional supply of twenty millions of gallons daily for six months of drought; that is to say, eleven millions from the reservoirs of Cross river and the Muscoot, and the residue from those of the upper Croton. The adequacy of the supply ceases to be a question in view of these facts.

The mill improvements, embraced within the range of the works proposed, and which might be injuriously affected thereby, are, with the exception of those on the east branch of the Croton and that at the mouth of Cross river, very inconsiderable indeed. They consist of two small mills (Bedel's) propelled from one pond on the Muscoot; four altogether on Cross river, of which Jay's gristmill and the establishment at Mechanicsville are the most valuable—a sawmill on the west branch of the Croton, and the establishments of Messrs. Owen, Finch & Brown, near Owensville on the east branch; these last being by far the most valuable of those enumerated. The views of supply would probably not comprehend all these for a long time to come, and only a partial injury would generally be sustained by those so comprehended. The amount of indemnity, therefore, cannot be very great in a country abounding with unimproved water power, as the valley of the Croton does. Further information can be furnished on this subject in a separate communication; but, in the mean time, I have included in the following estimate an item believed to be amply sufficient for this purpose, and for the purchase of such other water-rights as are contemplated in the scheme of this route.

The expense attending the construction of the different feeders enumerated is summed up follows, viz:

Muscoot feeder (3½ miles long) including dam, aqueduct, &c.,	\$268,500
Cross river feeder (3 miles long) do do do	268,000
Beaver dam feeder and branches, 'do do do	229,500
	<hr/>
	\$761,000
Indemnities, water-rights, &c.,	43,500
Contingencies,	50,000
	<hr/>
Total expense of delivering the lower Croton waters into the confluent reservoir,.....	\$854,500
	<hr/>
Upper Croton and branches, 14½ miles, including dams, aqueducts, &c.,.....	\$1,155,000
Indemnities, water-rights, &c.,.....	57,000
Contingencies,	65,000
	<hr/>
Total for the waters of the upper Croton ...	<u>\$1,277,000</u>

From the confluent reservoir an aqueduct is located along the slope of the Beaver dam valley into that of Muddy brook, from the head of which it passes into the valley of the Cisco, by a cut of a mile in length, averaging 18 feet deep. Thence crossing the main Cisco it follows up the west branch to its head, and by a long deep cut debouches into the valley of Sawmill river. According to the arrangement of our grade, allowing one foot fall per mile from the confluent reservoir, this cut takes a length of about three miles, commencing and ending at the depth of 20 feet. Its average depth, on that distance, is 38 feet, with an extreme of 55 feet at the dividing ridge.

Undoubtedly this cutting constitutes the chief difficulty of this location; but, if regarded with reference to the peculiar nature of the present work, it will be found to lose much of its formidable character. The mere passage of the water, without regard to the use of the channel as a navigable canal, requires only moderate dimensions of breadth and depth, no towing path, nor any great allowance of clear space, necessary in other cases, being required in this. Under such circumstances, and because most parts of the present work will require a lining of masonry at any rate, the construction of it by means of a drift way, instead of an open cutting, becomes an expedient of real economy, whenever the depth exceeds a certain limit; and we find by the calculation of our data, that in the present case this limit does not, in fact, exceed 25 feet.

It may be observed, also, that a moderate increase of depth, not exceeding for instance 38 feet, produces no proportionate increase in the expense of tunnelling; and the inference is, that in resorting to the construction of a regular tunnel, on all that part of our work which exceeds 25 feet, we shall practically reduce the expense and difficulty of its construction, nearly to the standard of an open cutting of this depth.

The occurrence of rock, such as that generally found in the vicinity, will not materially affect the truth of this proposition. It will, undoubtedly, increase the expense of excavation; but, on the other hand, it will supersede the necessity of arching over head, and probably of lining the channel way; in which case, it will produce a saving rather than an enhancement of expense.

The occurrence of water will probably be an evil according to any mode of construction, and must be provided for in the preparatory arrangements. In the construction of a tunnel, however, it will be practicable to establish a simple draining at an early stage of the work, through the whole line of the drift, by running a small headway from the flanks, towards the centre, in connexion with the shafts.

The time necessary for executing this work, under less favorable circumstances, would be tedious; but with a surface so slightly elevated above the grade, and in other respects favorable, it may be carried on, by the multiplication of shafts, almost with the celerity of an open cutting. The plan of construction recommended for the generality of the line between the confluent reservoir and

the tunnel, is a plain channel-way of masonry, either dry or in mortar, represented in form, though not exactly in size or construction, by draft No. 1. For the locality referred to, it should be about 6 feet wide at bottom and 8 feet at top, by 5 or 6 feet deep; and to protect the bottom against the abrasion of the current, it should be covered with a heavy layer of the masonry composition called beton—or better, by a reversed arch of hard brick, laid with cement in a prepared mould of the beton; finally, the whole to be covered over with a shingled or boarded roof. With the foregoing dimensions, and the declivity of one foot per mile, the quantities of water discharged would be as follows, viz:

When running with the depth of 2 feet= 9,837,000 galls. per diem.
do do 3 do =17,903,600 do do
do do 4 do =20,948,800 do do
taking the nearest hundred in each case.

The expense of constructing a channel way of the kind here described, and in the best manner, is estimated at about 48,000 dollars per mile, including the roof; but in cases where the nature of the soil or the regimen of the current permits us to substitute beton for the reversed arch, the expense will be reduced to 43,500 dollars, exclusive of excavations. When the cuttings become somewhat deep, as they do on about $3\frac{1}{2}$ miles of the first twelve, it will be expedient to adopt the form and proportions of the drawing No. 2, filling in with earth over the arch; and the same profile may be used also in the tunnel, wherever the roof of the excavation consists of earth. This will make the expense of the construction about 58,000 dollars per mile. In rock excavation, however, the expense of the masonry construction will be diminished at least 15,000 dollars per mile, and in some instances more; and in the tunnel, wherever the vaulting can be dispensed with, the preparation of the channel-way will probably not exceed 15,000 dollars per mile altogether.

From these data we may now estimate the expense of the first twelve miles, as follows:

Cutting and filling on $9\frac{1}{2}$ miles of open cutting, (including culverts)	61,420
Excavation on $2\frac{1}{2}$ miles tunnel, including shafts, &c. one-fourth rock,	114,000
Construction of channel-way, including the confluent reservoir,	558,000
Total,	\$733,420

The bed of Muddy brook north of the dividing ridge, as well as that of Sawmill river at the debouch of the tunnel, furnish favorable positions for storing reservoirs, one of which, at the last mentioned place, is represented on the map at the distance of $12\frac{1}{2}$ miles from the confluent reservoir, and which may be constructed, if adopted, without any enhancement of the foregoing estimate. The

draft of water taken from it is supposed to be 247 feet above tide, the surface of the reservoir itself being 258 feet, and the declivity of the location down the residue of the Sawmill valley is assumed at six feet per mile. The local circumstances of this part of the line are singularly favorable—the lateral slope of the ground generally gentle, presenting an easy choice of levels, with very few positions requiring cutting or filling to any extent, or much extra work of any kind whatever. A general profile for the construction of the channel-way, under these circumstances, is exhibited in the annexed drawing, No. 3. Its dimensions are adapted to the proposed declivity, so as to give nearly the same discharges at the different depths that are given on a less declivity by the larger profile above specified, and the expense of its construction, in the best manner, is estimated at 35,500 dollars per mile.

The drawing, No. 4, is given to meet cases of deep cutting; but its application, on this portion of our route, will be very limited indeed.

The entrance to Tibbit's brook valley is effected by a cut 12 chains long, 28 feet deep at the highest point, and about 22 feet at an average, chiefly in rock. It is located on the map as a deep cut following the curve line of the gap; but if a tunnel should be substituted, it would, of course, take the chord of the curve, and shorten the distance about one chain. This mode of construction is also advisable, in reference to the highway, which, at present, occupies the gap, and for the accommodation of which it would be necessary to close the entire thorough cut, *if constructed*, with a strong archway of masonry. The tunnel will require no archway, and will undoubtedly be the preferable construction in point of economy. The valley of Tibbit's brook furnishes another favorable location for a *storing reservoir*, the construction of which would merely require a *dam*, instead of an aqueduct, for the passage of the brook.

The area which may be included, is about 40 acres in extent, and is surrounded on all sides, except where the dam would be, by high steep hills; the whole having an air of seclusion and cleanliness well adapted to the end in view. The surface of this pond would be graduated by its distance from that at the head of the Sawmill valley, allowing the proposed rate of descent to equal 6 feet per mile, which would make it 147½ feet above tide. The draft from it may be taken at 140 feet, and the aqueduct on the remaining distance to the city is proposed to be graded at a fall of 2 feet per mile, using, of course, an increased channel-way. This arrangement of grades, from the head of the Sawmill to the city, is found to meet the conditions of the ground between Tibbit's brook and Harlem river more advantageously than a grade of uniform fall; otherwise the latter would have been preferred for its simplicity.

The crossing at Harlem river is proposed to be effected by means of an aqueduct bridge, 18 chains, or 1,188 feet long, from abutment to abutment, and consisting of nine plain simicircular arches. The position in which it is located on the map is the narrowest at the

height of the grade line, which the ground admits of, and is furnished with natural abutments of solid rock on both sides of the river. The river itself, including a small margin of low ground, is about 600 feet wide, and on this distance (comprising five or six of the piers) the height of the structure from water line to water line would be 126 feet, exclusive of hydraulic foundations, which would be from 10 to 25 feet more. Our structure adapted to these dimensions would of course be a work of considerable labor and expense, but by no means of paramount difficulty in either of these respects. Many bridges of much greater magnitude, both in length and height, have been erected in other countries for the same object, from which we are enabled to derive certain data for all our calculations. The aqueduct bridge of Lisbon, for example, of which a fragment is exhibited in the annexed drawing No. 5, consists of 35 arches, some of them more than 100 feet span and 230 feet high. The modern aqueduct bridge of Caserta, near Naples, (see fragment No. 6,) is upwards of 1600 feet long by 178 feet high, and consists of about 90 arches in three tiers. The aqueduct of Spoleto (No. 7,) consists of ten arches, somewhat narrower than ours, but in height upwards of 300 feet; and the iron canal aqueduct of Pontcycylte in Wales, (No. 8,) is 960 feet long and rests upon 18 piers of brick, some of which are 120 feet in height. Numerous other examples of a like kind might be quoted, but it may suffice for the present to name two only in addition to those already mentioned, viz. the great aqueduct of Maintenon in France, of 666 arches, projected by Vauban and partly built, being three and a quarter miles in length, and of various heights from 50 to 220 feet. And lastly, the recently constructed aqueduct of Lucca, of 1000 arches.

With such examples of enterprise and skill before us, many of them undertaken for objects far less important than that of supplying the city of New-York with water, we may certainly look upon the design of the Harlem aqueduct without fear.

From the aqueduct, passing south, the line for about half a mile encounters a precipice of rocks; it then attains the surface of the ground, and soon afterwards falls into the line of the tenth city avenue. At this stage of the location a question of some importance presents itself, as to the most favorable locality for the receiving reservoir. A position admirably adapted to this purpose, being bounded on two sides by ledges of rock, presents itself between the Ninth and Tenth Avenues, on the north side of the Manhattanville valley, from which mains could be taken for the supply of the distributing reservoirs, without any extraordinary expense in crossing that valley. On the other hand a more active and efficient head would be obtained, by extending the structure of a regular aqueduct across the valley, and so continuing it to some position for the receiving reservoir further south; or we might cross the valley by an inverted syphon of sufficient capacity, and renewing our head by means of a reservoir on the south side, continue the structure of the aqueduct therefrom, say to 104th-street, in the vicinity of the Ninth Avenue, or possibly as far south as 85th-street,

in which vicinity, I understand, there are lands belonging to the Corporation, some of which might be adapted to the location of this reservoir.

Our surveys contemplated the ground with reference to all these methods, but our location is delineated according to that first mentioned; in doing which, however, it is by no means intended to prejudice the question; indeed it is more than probable that the plan *last* mentioned, upon further examination, will be found to possess superior advantages in point of efficiency, without much if any enhancement of expense.

The system and construction of the reservoirs for receiving and distributing the water, would be nearly the same for either mode of arranging the line of conduit; that is to say—

First, the receiving reservoir, which we may suppose to be in the position named, viz; between Ninth and Tenth Avenues, and between 133d and 137th-streets. This, if made to occupy the entire space here indicated, would afford two apartments of eight acres each, enclosed with a rampart of earth and masonry, sufficiently broad for a border of clean shrubbery and trees. The average height of its water surface would be about 123 feet.

Secondly, two equalizing reservoirs; one on 105th-street, between the Eighth and Ninth Avenues, and the other on 69th-street, east of the Eighth Avenue. These may be of any dimensions, from one to eight acres. The *first* receiving its water along the line of the Ninth Avenue, and the *second* by a main from the first, along the Eighth Avenue. Of course the first would be dispensed with as an equalizing reservoir, in case its position, or any more southerly position, should be occupied as the locality of the receiving reservoir.

Thirdly, the principal distributing reservoir, for which the most favorable position appears to be near the intersection of 38th-street and Fifth Avenue, three miles from the City-Hall; this being the most southerly point at which an elevation nearly great enough can be obtained, and where the area is sufficient to afford the desired capacity. If it proposed to occupy at least two entire blocks with this reservoir, which after giving a strong profile to the enclosing rampart, will afford a clear area of eight acres, and contain more than fifty-two millions of gallons in volume, to a depth of twenty feet. Its water will be conveyed from the second equalizing reservoir, by a line of conduit laid down along the Eighth Avenue to the corner of 38th-street, and thence by the latter to the distributing reservoir.

The effect of the whole arrangement will be generally to maintain an equable head at the highest possible elevation in the distributing reservoir, and to furnish a prompt supply on occasions of extraordinary drought. If, for example, the surface of the distributing reservoir should be drawn down much below its ordinary level, the increased difference of head would tend immediately to restore the deficiency, by an accelerated passage of water from the nearest equalizing reservoir; and this in turn would be supplied by a similar action from the next in order, and so on till the equilibri-

um of the system was entirely restored. This tendency, therefore, operating by night as well as by day, would secure the distributing reservoir against any considerable variations of level, and supposing the supplying mains properly constructed and arranged, it is presumed that the average height of its water line would not stand many feet below that of the receiving reservoir, probably five or six, which would still afford a head of 117 feet above tide for the distribution of the water. This is about fifteen feet greater than the height of the Fairmount reservoir at Philadelphia, and abundantly sufficient for all practical purposes in the city of New-York.

The length of the line thus described, from the confluent reservoir near Wood's bridge, to the receiving reservoir at Manhattanville, is 37 miles and 52 chains; and from the latter to the distributing reservoir on 38th-street, five and a half miles; making a total of the route as located of 43 miles and 12 chains, without including the pipes for collecting the water at the confluent reservoir.

The expense of the first twelve miles, including the reservoir at the head of Sawmill river, has already been given, and it only remains now, in completing our views of this route, to give the *estimate* for the remainder, as follows: viz.

Cutting and filling from the Sawmill reservoir to the receiver,	\$191,250
Harlem aqueduct, two small aqueducts, Tibbit's dam, and several small culverts,	576,000
Channel-way complete,	1,020,000
Receiving, distributing and equalizing reservoirs on the island,	200,000
Five and a half miles of supplying main, at \$100,000 per mile,	550,000
	<hr/>
	\$2,537,250
Add estimate of first twelve miles,	733,420
	<hr/>
Total nett cost from the confluent reservoir,	\$3,270,670
Contingencies,	325,067
Land and water rights, damages, &c. &c.,	100,000
	<hr/>
	\$3,695,737
To which if we add the expense of the lower Croton feeders,	854,500
	<hr/>
We get an aggregate of,	<u>\$4,550,237</u>

This is the estimated expense of delivering the water of these feeders into the distributing reservoir in the city; that is to say, at the minimum, 15,846,624 gallons per diem of *running water*, and 11,000,000 obtainable from a surface of 1,600 acres of reservoir. The upper branches of the Croton, whenever it shall become necessary to resort to them, will furnish an additional supply of

10,155,384 gallons per diem of running water, and 9,000,000 more from spacious natural reservoirs, and the additional expense, as heretofore estimated, will be \$1,277,000; making a total for the entire system, \$5,827,237.

Hudson River Route.

This line takes its origin from a reservoir at the foot of Muscoot hill, marked A, where a dam of thirteen feet will back up the water to a considerable distance above Wood's bridge, and spread it over a portion of the flats at the confluence of the Muscoot. The reservoir thus formed would have a surface of about eighty acres, from which it is proposed to clear off the loose soil, trees, and growth of every kind. The height of the fountain-head thus formed will be 175 feet above tide. Another plan of deriving the water, so as to avail of a height somewhat greater, was discussed in the progress of the survey, and is as follows, viz: to intercept the Croton a little below Golding's bridge by a dam of about nine feet in height, which would give an elevation of 191 feet above tide at the fountain reservoir in this position. Thence leading the water by a short cut down the east side of the river into the factory dam at Mechanicville, raising the latter about three feet for the purpose, and finally retaking it from the south end of the dam, and conducting it along the face of the slope down the Croton. By crossing the Croton at Muscoot hill, we should be enabled at a future time to bring in the water of Muscoot river by a short feeder, originating in the reservoir marked R, so that the entire Croton would become available by this arrangement, the same as in taking the water from the reservoir A. The height gained at the foot of Muscoot hill by adopting this plan, would be about ten feet, an important consideration in locating the residue of the line down the Croton; but whether sufficient to compensate for the additional constructions, must remain for the present undecided.

The location to be explained and estimated is considered as originating at the reservoir A; the water being taken at the full height of the surface, with only a fall in the first instance necessary for imparting the initial velocity. As to the adequacy of the supply, a very brief statement will suffice. It was on the 5th of September that I gauged the Croton at Wood's bridge, and it was then discharging at the rate of 51,522,480 gallons per diem; to which if we add the 3,628,800 discharging from the Muscoot, and reduce the aggregate in the ratio of one-fifth, to meet extremes of drought like that of 1816, we have still remaining a regular running supply of 44,120,924 gallons per diem, without resorting to the 20,000,000 daily, obtainable from reservoirs.

The general rate of declivity for the line under consideration, is assumed at one and a quarter feet per mile, which is maintained regularly from the fountain head to the city. The channel-way adapted to this declivity is that represented in the drawing No. 1, already referred to, being four feet wide at bottom and six at top, and six feet deep, including the reversed arch of one foot; with

which dimensions it will deliver the following quantities of water according to the different depths at which it runs, viz:

At 3 ft. measured in the mid-channel,	11,500,000 galls. per diem.
4 ft.	17,905,215
5 ft.	25,985,235
6 ft.	33,516,000

The vaulted profile, No. 2, is adapted to deep cuttings, and to the passage of roads and villages on this route, having the same capacity as the preceding for the delivery of water. The expense of these different constructions, will vary as was mentioned in the inland route, according to the nature of the strata in which they are severally executed, being always most expensive in soil and least so in rock, regarding the masonry apart from the excavation; and in a majority of cases the same relation also obtains in the aggregate. It will be seen of course, that this arises from the increased quantity both of excavation and masonry, necessary in the case of soil. With regard to the *masonry* alone, if done with mortar in a durable and substantial manner, with reversed arch, the cost will be as follows: For the profile No. 1, in soil, roof included, \$48,688 per mile; and in rock, \$34,848; and for profile No. 2, an addition of 10,500 dollars in each case.

It is rather fortunate than otherwise then, that rock does occur on a considerable proportion of this route; it is only when it presents itself in the form of steep precipices and sharp points, or in great heaps of loose rock, that it becomes more expensive.

With regard to the cuttings and fillings on this route, I presume it will not be necessary for me to describe them in detail; they are fully exhibited in the accompanying profiles, and the single remark, that the location, until it penetrates the Sawmill valley, is wholly traced along the undulating hill-side of the Croton and Hudson vallies, will explain why the excavations and embankments are so much more numerous and bold than those of the *inland route*, excepting only the deep cutting on that route. The following remarks are added, relative to a few prominent points of difficulty, where principles of construction or location are involved. The first case of this kind occurs at the point of crossing the Croton at Garretson's mill, where an aqueduct of one arch 85 feet span will be required, and a land arch of 16 feet for the passage of the road. The *shoring* is favorable, particularly on the south side, which is a steep precipice of rock; height of the grade line 40 feet. Some heavy culverts occur on the following parts of the line, but the next work of much magnitude is a short deep cut of 35 feet extreme depth near the mouth of the Croton. This is made in passing an isthmus back of the hilly ground of that vicinity, and cannot be avoided without encountering other impediments of much greater account. It is estimated as a deep cutting, but probably would be lessened in expense by admitting a short tunnel in place of an open cut. Another of the same depth, but shorter, occurs near Sing-Sing, through which there can be no doubt of the expediency of a tunnel.

The chasm of Sing-Sing hill next occurs, and will require a bold culvert of 60 feet span; after which about a mile of a line passing through Sing-Sing will require vaulting.

The next structure worthy of particular notice, is the aqueduct at the crossing of Sleepy-Hollow; this will require five arches of 70 feet span, and including wings, will be nearly 500 feet in length. The height of its water line above Mill river is 60 feet, but the banks rise rapidly, particularly that on the west side.

Passing Tarrytown, a cutting of 26 feet extreme depth occurs near Mr. Irving's, and several heavy culverts in the vicinity of Greensburgh landing, one of which will require a span of 20 feet. The deep cutting by which the line penetrates the valley of the Sawmill river below Mr. Constant's will be noticed as a prominent feature in the general profile; it is 45 chains long, beginning and ending with the depth of 25 feet, and averaging 37 feet deep on that length, chiefly rock. From the observations made relative to the tunnel on the *inland route*, the suitable and most economical construction for this locality will be readily inferred, and it results from a comparison of estimates, that to pass this dividing ridge with the minimum of expense requires a tunnel of at least half a mile.

The next work of consequence is the aqueduct across Sawmill river; this should consist of three arches of 60 feet span, making a total length, inclusive of wings, of 250 feet; its height above the surface of Sawmill river being 36 feet.

The Hudson route here falls upon nearly the same ground with that of the interior, but differs from it in the magnitude of some of its works, in consequence of the difference of grade, the river line being the lowest. In consequence of this difference, the tunnel at the entrance of Tibbit's brook will be about fourteen feet deeper and one or two chains longer than that specified for the interior route; which of course would decide the preference for this mode of construction, if there were any doubt in the *former* case. The depression of the river line after passing this ridge becomes an advantage for crossing the following *ravines*, and the valley of Tibbit's brook. On the east side of the latter the two lines converge more nearly to the same grade, and the subsequent constructions, including the system of reservoirs and supplying mains in the city are very nearly the same for both. They have already been sufficiently explained in connexion with the inland route. The distance by the line thus described, from the Muscoot dam to the receiving reservoir, is 41 miles and 36 chains, which, together with the five and a half miles from the receiving to the distributing reservoir, makes a total of 46 miles and 76 chains, nearly 47 miles.

The expense of constructing this line is summarily estimated as follows:

Cutting and filling, including the dam and small culverts on the whole line,	\$674,652
Amount carried forward,	\$674,652

Amount brought forward,.....	\$674,652
Eight aqueducts, of which those of the Harlem, Saw-mill river and Sleepy-Hollow, are the most considerable,	812,000
Channel way, 35½ miles in soil, residue in rock,...	1,985,800
Reservoirs and mains in the city as before estimated,	750,000
	<hr/>
	\$4,222,453
Contingencies,	422,245
	<hr/>
	\$4,644,697
Land and water-rights, damages, &c.,.....	73,500
	<hr/>
Total for the river route,....,	<u>\$4,718,197</u>

In drawing out this estimate, as well as those given in the preceding part of this report, it may be useful to remark that every calculation has been made on the side of stability and permanency. The works are all supposed to be constructed of the best and most imperishable materials, put together in the strongest manner; the head reservoirs to be cleared of all their soil, trees and vegetables, and surrounded by a regular bank; the *dams* and *weirs* to be built of massive stone masonry; the *water-way* of masonry, as already described, closed either with a roof, or with an arch; the earth thrown back upon it, and furnished with ventilators at suitable intervals; small *culverts* to be constructed by iron pipes set in the foundations, or in the upper part of the walls of the channel-way, as occasion may require; large culverts and aqueducts to be built of the best stone work, in a plain substantial manner; embankments generally to be formed of stone. According to these various suppositions every piece of work, of whatever kind, has been calculated separately on the respective routes, and the results, collected and classified, furnished the different items of the foregoing estimates.

The structure of masonry has been adopted for the line of aqueduct instead of iron pipes, on the ground of its *superiority*, in point of *cheapness*, *durability*, and *efficiency*. As a difference of opinion however exists on this subject, I beg leave to present it a little in detail.

1st. In point of cheapness. The structure of masonry for the Hudson River Route is estimated in ordinary cutting, at a fraction less than 49,000 dollars per mile. When vaulted through deep cutting, it will cost more, but in rock *less*; say 49,000 at an average. The excavations and culverts average on the same line about 16,500 dollars per mile, making in all 65,500 dollars per mile. To this I add five per cent. as the ratio in which the line may *possibly* be increased *in length* and cutting by the adoption of this system, and the entire amount, to be used as a term of comparison, will be 68,775 dollars per mile, which is about six thousand dollars *less* than the estimated expense of laying down a

single iron main 30 inches in diameter. The structure recommended for the Sawmill route, being much smaller in all its dimensions, comes into the comparison with an advantage of from 25 to 30,000 dollars per mile *less* than an iron pipe.

2ndly. In point of *durability*. We have no sufficient experience of the durability of *iron pipes*, to be able to bring them in a direct comparison with the *aqueduct* in this respect; we only know that the *principle* of this construction was applied in *lead*, and in a very perfect manner, in many of the Roman works, all of which have long since gone to decay, while a good number of their aqueducts are still in full operation.

We may, however, form some opinion of the relative durability of the two modes, by a comparison of the wear and tear to which they are exposed. On an aqueduct the water flows with an easy natural motion, acting upon its channel with nothing more than its own proper weight, and a friction, scarcely appreciably; and if by an accident its motion should be obstructed, the water having room to expand, would back up and check the velocity of the approaching current without any sensible revulsion upon the sides of the aqueduct: but in a close pipe, having such a depression as would be necessary in the present instance, say 130 feet below the head, the action upon the sides of the pipe would be about 60lbs to the inch. The water being also confined laterally, any impediment would necessarily react in some degree upon its *whole* volume, as far back as the nearest vent, and it should be observed that a mile of pipe contains more than 700 tons of water. It is true that the probability of any serious impediment is very remote, but even the friction upon so inelastic a substance as water, and under this high pressure and impetus, is a force which at no distant period must impair the stability of the work.

3rdly. In point of *efficiency*. The profiles recommended for the respective routes are adapted to the delivery of any quantity up to 30 millions of gallons daily. The present demand is probably not more than six millions; but at the rate of increase by which the city is advancing, and which it would seem is *itself* increasing, at least 10 millions will be required within a few years after these works can be completed. It would be absurd therefore to adopt in the calculations of the present question a scale of supply lower than 10 millions, even for present purposes.

At the declivity adopted for the Hudson River Route, a single 30-inch pipe would deliver three millions of gallons daily; fewer than four such pipes therefore would not deliver the quantity required; and if we should attempt to reduce the number to *two* by increasing the rate of declivity to 4 feet per mile, this fall from the Muscoot dam to the distributing reservoir, would carry us 17 feet below the surface of the Hudson!

The Sawmill Route after passing the dividing ridge, has a much greater declivity, but even there, fewer than *two* pipes would not suffice to deliver the quantity required. These calculations it will be observed, are limited to the wants of the moment. As the demand increases, additional pipes would have to be laid down from

time to time, at a great labor and expense. On the Hudson River route indeed the intervals would be so short, that a corps of mechanics would scarcely be dismissed from one job, before it would be necessary to prepare for another.

These considerations, I presume, will fully justify the adoption of the aqueduct instead of the close pipe, in all cases which admit of its use.*

The idea has been suggested that the crossing of the Harlem river could be economized by the use of close pipes in the form of an inverted syphon—somewhat in the manner of the old Roman works at Lyons. It would be easy to show by a comparison of estimates, that there would really be nothing gained in the respect contemplated by making this substitution, and in all other respects it would be decidedly objectionable. These details however, do not involve the *practicability* of the works, and really belong to a more advanced state of the examinations.

In the views presented by the *two routes*, no attempt has been made to institute a comparison between them. It will be seen, I trust, from the facts communicated, that the water of the Croton may be delivered in the city without any insuperable difficulty, by either of them; and this problem being solved, we may leave the question of preference to be decided by future examinations directed to that particular object.

The quality of the Croton water and its fitness as a source of supply for the city, demands a momentary notice among the subject of this report. To the Commissioners indeed, who have informed themselves on this point by personal examinations, no such notice would of course be necessary, but to those who have not enjoyed this opportunity, a summary of the facts may not be uninteresting. The supplies of the Croton are derived almost exclusively from the elevated regions of the "Highlands" in Westchester and Putnam counties, being furnished by the pure springs which so remarkably characterize the granite formation of that region. The ponds and lakes delineated on the map, and spoken of in a former part of this report, are among the number of these springs; many of them 3 or 400 acres in extent, and *one* as large as a thousand acres. All these ponds are surrounded by clear upland shores, without any intermixture of marsh; and the surrounding country, cultivated, as it is generally, in grazing farms, presents an aspect of more than ordinary *cleanness*. The water, as might be expected under such circumstances, is perfectly soft and clear, much superior in the former respect to the waters of our western lakes, and fully equal in the latter.

* The exposure to frost which has sometimes been urged as an objection to an open canal, will be no just ground of apprehension in the aqueduct, as here proposed. The depth at which it will generally be placed in the ground—its entire enclosure overhead, and the manner of that enclosure by an arch-way in part, will protect it against any extreme of cold that would be likely to act upon a surface, moving at the rate of 125 feet per minute. And even if a moderate cake of ice should be formed—on a surface so small, compared with the depth and volume of water rolling beneath it—no serious evil could possibly ensue. It would rise with any *increase* of volume as the ice upon a tide-water rises, and being protected from the wind and from all the inequalities of an ordinary stream, would rest quietly upon the surface until redissolved.

The Croton, fed by such springs, could scarcely be otherwise than pure, and the fact of its purity was strongly verified by the experience of the party in every stage of the water during the season. Specimens were taken up both in the high and low state of the river, and have been analyzed by Mr. Chilton, and the results obtained, fully corroborate these statements. It appears from his report annexed, that the quantity of saline matter, probably the salts of lime and magnesia, does not exceed $2\frac{1}{2}$ grains in the gallon, "a quantity," he observes, "so small, that a considerable quantity of the water would be necessary to determine the proportions." About two grains of vegetable matter was also suspended in the water, in consequence of the rapid current in which it was taken up, and which would of course subside in the receiving reservoir.

It remains yet to notice the results of our examinations on the Bronx.

The use of these waters was understood to depend essentially upon the adequacy of the supply, and the investigation of this question, therefore, would naturally have engaged our *first* attention, if it had not been necessary from other circumstances to defer it till after the examination of the routes.

In the location of those routes, generally heretofore, it seems to have been an object, and certainly is one of no little importance, to avoid as far as practicable, interfering with the numerous mills and factories on the stream, by taking the water from the river, at the lowest point possible, and depending upon the tide power of Harlem river to elevate it afterwards to the height necessary for distribution and use in the city.

A line of this kind for example, supposing it in other respects practicable, might be taken from a point near the mouth of the Sprain, so as to leave Underhill's mill and the valuable cotton factory at Tuckahoe, untouched, and conducted to the bank of Harlem river, at the height of 50 feet above tide. The power of the Harlem would then be required to elevate it to the height of the receiving reservoir, which, being assumed as with reference to the Croton waters, makes the *additional* elevation 78 feet. Upon calculating the power of the river, however, from a careful survey of the present pond, it was found incapable of raising to that height more than 4,939,000 gallons per day; and as this would leave a deficit of two or three million gallons per day—even for present purposes *at the time of completing the works*—it was thought unnecessary to pursue the examination of these routes any further.

The line provisionally located,—and which has already been adverted to in a former part of this report,—commences at Popham's calico factory, the dam of which will require rebuilding and raising, so as to give a head of 142 feet above tide. The locality is favorable for the construction of the dam; but the surface of the pond, being bounded by high ground on either hand, is limited to a few acres in extent. The water would be drawn from the dam on the west side of the river, and the location continues wholly on that side to the city, taking the same ground from the vicinity of Ford-

ham church that is occupied by the routes from the Croton. The generality of this line is, by no means, unfavorable; the only item of considerable expense, before intersecting the Croton routes, being an aqueduct of 740 feet, with an extreme elevation of 57 feet, at the crossing of the Sprain;—length of the line from Popham's dam to the receiving reservoir 15½ miles, and to the distributing reservoir 21 miles.

This line was surveyed and located with great care; but after gauging the streams, it was not thought necessary to profile or estimate it, and I presume a more particular description will not be required, after the results of that part of the examination shall be stated.

On the 15th of August I gauged the outlet at the Rye Ponds, and found it discharging 950,400 gallons per day. On the 20th, and again on the 5th September, it was discharging very nearly the same quantity; but between the last two dates, a period of 15 days, it had fallen, having been drawn down by the proprietor 2½ inches.

This draught, calculated upon the surface of the pond = 205 acres, gives a daily increase of 957,500 gallons in the volume of the pond; showing that, during the time observed, the supplies of the pond, from whatever quarter they come, were in quantity about 7,000 gallons per day *less* than the evaporation.

By damming the valley, about three-fourths of a mile below the small pond, so as to back up the water to three feet above the ordinary level of the *upper pond*, a reservoir of 360 acres will be formed; and by deepening the outlet of the upper pond, so as to command a draught of five feet in all, we shall obtain a volume of 705,672,000 gallons, or 3,920,400 gallons daily, for 180 days of drought. Deducting from this the daily loss by evaporation = 1,633,500 gallons, which is the lowest admissible calculation for the six warm months, we obtain a disposable surplus of 2,286,900 gallons per day. This is believed to be the maximum which should be calculated upon from the *storage* of the Rye ponds; and the writer is not aware of any source from which it might be *advisedly* augmented. A small additional supply is doubtless obtainable from Byram river, if it were not necessary, in availing it, to resort to the territory as well as the waters of another State.

The *running* supply of the Bronx was ascertained on the 4th and 5th of September. It was necessary to repeat the gauging several times in order to separate the accidental flow of the mills from the regular discharge of the river. The latter, however, was at length satisfactorily ascertained, viz: 4,331,880 gallons; and reducing this in the ratio of one-fifth, for the reason heretofore mentioned, we get 3,465,504 gallons as the daily summer flow in seasons of extreme drought. Add to this, the quantity above mentioned from the Rye pond reservoir, = 2,286,900 gallons, and we have the aggregate of 5,752,404 as the amount of all that can *safely* be depended upon from this quarter.

In drawing up the foregoing statements, it will be seen that I have restricted myself to a *general outline* of the facts and princi-

ples concerned—avoiding, as far as possible, all details not strictly necessary for the elucidation of the main question. It would have swelled this report to an unreasonable length had I embraced even a small portion of the *particulars* contained in the books and drafts of the survey, or of the researches and calculations upon which many of the statements are founded. These, however are retained on file, and will be cheerfully communicated whenever their application can be of use in the further prosecution of the work.

In conclusion, I beg leave to express my strong sense of the zeal and faithfulness of the gentlemen who composed my party. Some idea of their claims, in this respect, will be inferred from the fact, that, in about ten weeks, we levelled upwards of 200 miles, and traversed more than 3,400 courses, a large proportion of which was in woods or upon ground otherwise difficult and rough.

The roll of the party, at the commencement, was as follow, viz:

GEORGE W. CARTWRIGHT, *Traverser.*

EDWARD OGDEN, *Leveller.*

W. B. BURNETT, U. S. A.,

WM. R. CASEY,

JAMES. H. BELL,

Rodmen, and Assistant to Leveller.

H. T. ANTHONY,

P. S. NOXON,

Assistants to Traverser.

R. F. LIVINGSTON,

GEORGE C. SHÆFFER,

Volunteers.

ROBERT GURLING, *Laborer.*

Messrs. Livingston and Shæffer were associated in the first instance, as volunteers, but were taken to supply vacancies soon after the organization of the party, and acted as Assistants to the Leveller and Traverser during the residue of the survey.

Mr. D. H. Burr, of the city, has also rendered valuable assistance as draughtsman.

All of which is respectfully submitted.

D. B DOUGLASS,

Civil Engineer.

New-York, 1st Nov. 1833.

Mr. Chilton's Report.

EXAMINATION OF THE CROTON RIVER WATER.

1. The application of re-agents to the water showed the absence of sulphuric acid and sulphates; and the presence of lime, magnesia, carbonic acid, muriatic acid and vegetable matter.

2. By evaporation to dryness, resolution of soluble matter, and filtering, a residuum was obtained, which dissolved in dilute muriatic acid with effervescence, except a portion of vegetable matter.

3. The watery solution of soluble matter (in No. 2,) contained muriate of magnesia and vegetable extract, without lime.

4. The muriatic solution (of No. 2,) which in its formation was attended with effervescence, contained both lime and magnesia: the matter dissolved therefrom must have been the carbonates of these earths.

From these results we are authorized to consider muriate of magnesia, carbonate of lime, carbonate of magnesia, and vegetable matter, as the only ingredients of the water.

5. A half-gallon, principally from the bottle marked ⊕,* yielded by evaporation, 2,333 grains residuum moderately dried, consisting of

Vegetable matter,.....	133
Carbonates of lime and magnesia,	1.200
Muriate of magnesia,	1.000

2.333 grains.

6. No. 1 and No. 2, a quart of each, yielded 1.3 grains, which is ‡2.6 grains of dry residuum for the half-gallon, consisting of

Vegetable matter,.....	0.125
Carbonates of lime and magnesia,	1.375
Muriate of magnesia,.....	1.000

2.500 grains.

7. †Six pints from two bottles yielded only 2.1 grains of dry matter, the vegetable matter reduced to charcoal and burnt off.— This gives for the half gallon 1.4 grains.

* Taken from the Croton, at Wood's bridge, at low water.

† Nos. 1 and 2, from the branches of the upper Croton.

‡ From the Croton, at Wood's bridge, at high water.

The average of these three separate results is, for the half-gallon, 2.08 grains, or for the gallon, 4.16 grains.

The quantity of vegetable matter being not only different in the different samples, but dried at different temperatures, may have occasioned, in good part, the difference apparent in the above results. From experiment (7) it seems to follow, that the quantity of saline matter cannot exceed 2.8 grains in the gallon, a quantity so small that a considerable quantity of the water would be necessary to determine very minutely the proportional quantity of each of its ingredients.

(Signed.)

GEORGE CHILTON.

No. 39.

IN SENATE,

January 30, 1834.

REPORT

**Of the committee on claims, on the petition of Col.
Christopher Clark.**

Mr. Sudam, from the committee on claims, to which was referred the petition of Col. Christopher Clark, of Manlius, in the county of Onondaga,

REPORTED:

That they have had his petition under consideration. He claims from this State the sum of \$359.50, for services rendered during the last war. Every charge of which was properly the subject of adjustment in the quarter-master's department, except a charge for assisting in raising a company under Gen. Smyth's proclamation; a stand of colors presented to a volunteer company; and articles purchased from him by the troops of the United States, while entertained at his tavern. That Col. Clark was ready and willing to serve his country there can be no doubt: that he advanced to the frontiers is not denied, but confirmed; and the committee were anxious to discover some allowance that could be made to him. They searched in vain, and their unanimous opinion is, that he have leave to withdraw his papers.



IN SENATE,
February 4, 1834.

REPORT

Of the committee on the division of counties and towns, on the petition of inhabitants of the town of Port-Bay, in the county of Wayne, relative to altering the name of that town.

Mr. Conklin, from the committee on the division of counties and towns, to which was referred the petition of sundry inhabitants of the town of Port-Bay, in the county of Wayne, praying for the passage of an act altering the name of that town,

REPORTED:

That they have had said petition under consideration, and that the petitioners allege, that the name of Port-Bay was given to the said town without the previous knowledge or consent of its inhabitants; to which name they have ever been opposed.

And that there is a large bay adjoining on the north-east part of said town, but extending principally into the town of Wolcott, which bay has been known by the name of Port-Bay, from the time of the first settlement of that section of the State. And that people who have occasion to travel in that part of the county of Wayne, and unacquainted with the fact that the names of the said town and bay are similar, and inquire for Port-Bay, it often occurs that they are (undesignedly) misdirected, and consequently go to the one place when it was their desire to have gone to the other; causing disappointment and much inconvenience to such persons.

It is further set forth in said petition, that in pursuance of previous public notice, the subject of changing the name of the said
[Senate No. 40.]

town was taken into consideration at their annual town meeting, in April last; and that all the electors present (save one) voted for petitioning the Legislature in relation to the foregoing subject.

Your committee have come to the conclusion, that the prayer of the petitioners, to alter the name of said town, is reasonable, and ought to be granted; and they have, therefore, directed their chairman to ask leave to introduce a bill accordingly.

No. 41.

IN SENATE,

January 29, 1834.

ANNUAL REPORT

Of the Superintendent of Common Schools, in relation to the instruction of the Deaf and Dumb.

STATE OF NEW-YORK, }
SECRETARY'S OFFICE. }

Albany, 29th Jan. 1834.

To the President of the Senate.

SIR:

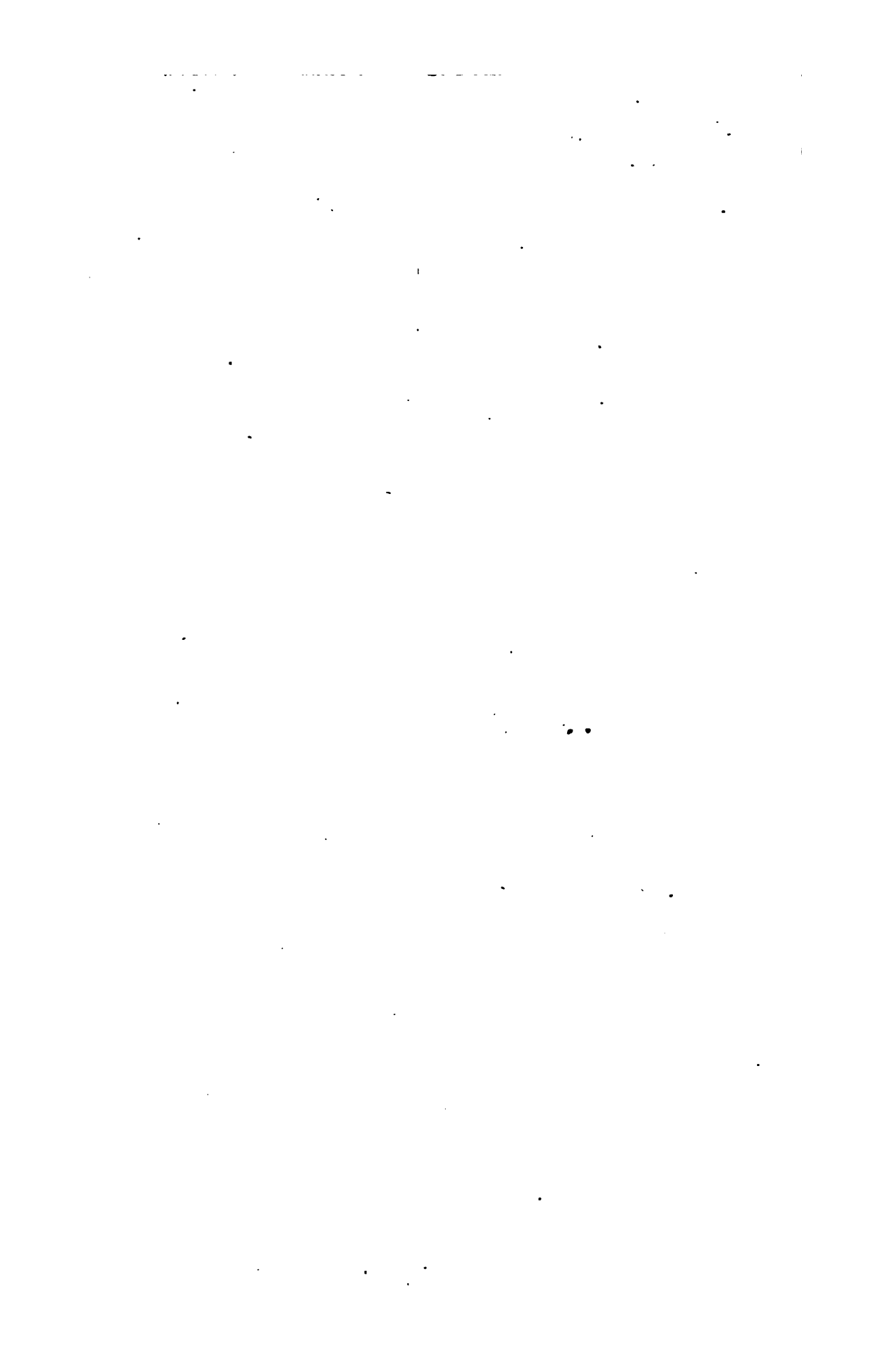
I have the honor to transmit herewith the annual report required of the Secretary of State, as Superintendent of Common Schools, in relation to the instruction of the Deaf and Dumb.

I have the honor to be,

Very respectfully,

Your ob't serv't,

JOHN A. DIX.



REPORT, &c.

STATE OF NEW-YORK, }
SECRETARY'S OFFICE.

Albany, 29th January, 1834.

TO THE LEGISLATURE.

The Secretary of State, as Superintendent of Common Schools, has the honor to submit the report required of him by the provisions of part first, chapter fifteenth, title third, of the Revised Statutes, subjecting to his visitation "the institution of the deaf and dumb in the city of New-York, and every other similar institution incorporated, or to be incorporated in this State." The same title makes it his duty,

"1. To inquire from time to time into the expenditures of each institution, and the systems of instruction pursued therein respectively:

"2. To visit and inspect the schools belonging thereto, and the lodgings and accommodations of the pupils:

"3. To ascertain, by a comparison with other similar institutions, whether any improvements in instruction and discipline can be made; and for that purpose to appoint from time to time suitable persons to visit the schools:

"4. To suggest to the directors of such institutions, and to the Legislature, such improvements as he shall judge expedient:

"5. To make an annual report to the Legislature on all the matters before enumerated, and particularly as to the condition of the schools, the improvement of the pupils, and their treatment in respect to board and lodging."

The whole number of pupils authorized to be educated at the expense of the State, is one hundred and twenty, and the annual provision for their instruction, is fourteen thousand four hundred dollars.

The number authorised to be instructed at the public expense at the Institution in the city of New-York, is ninety-six. The provision for the expenses of their board and tuition, is one hundred and thirty dollars each per annum, making an annual expenditure of twelve thousand four hundred and eighty dollars. The number authorized to be instructed in the Central Asylum at Canajoharie, is twenty-four, at an expense of eighty dollars each per annum, making an annual expenditure of nineteen hundred and twenty dollars.

There are no vacancies on the list of pupils educated at the public expense, at either of the Institutions authorized to receive them. Full effect has, therefore, been given to the munificence of the State.

The whole number of pupils at the New-York Institution, is one hundred and thirty-four, and the whole number at the Central Asylum thirty-four; making an aggregate of one hundred and sixty-eight deaf mutes actually receiving instruction.

By the act of 23d April, 1832, the overseers of the poor were directed to furnish a list of the indigent deaf and dumb in their respective towns, to the Superintendent of Common Schools, who was thenceforth required to make all the selections necessary to fill vacancies in the number of those, who were authorized to be educated at the public expense.

By the act of April 6, 1833, the directors of the Institution in the city of New-York, were authorized to receive five pupils from each Senate district, in addition to the number already provided for by law, to be instructed and supported therein, for the same time, and in all respects in the same manner.

In the execution of the duty devolved on the Superintendent by the act last referred to, he regrets to say, that he has encountered very serious difficulties from the neglect of the overseers of the poor to furnish him with lists of the deaf and dumb persons in their respective towns, as required by the act of 1832. Immediately after the passage of this act, directions to the overseers of the poor, with regard to the manner in which their returns were to be made, were prepared by the Superintendent, and published in the pamphlet edition of the poor laws, which was distributed in October of the same year. Although the overseers of the poor complain in some

instances that they have not received the copies transmitted to the clerks of counties, to be by them distributed among the different towns for the use of the officers entitled to them, it is not to be supposed that an omission on the part of the clerks to dispose of them as directed, could have occurred in many cases. Yet at the time of the passage of the act of April 6, 1833, returns had been received from fourteen towns only. On the 25th of April, nineteen days after the passage of that act, a notice to the overseers of the poor from the Superintendent, calling their attention to their duty, was published in the State paper, with a request that it might be copied into all the other papers in the State. It was supposed that such a notice would have the further good effect of attracting the attention of persons connected with, or interested in deaf mutes, and thus lead to applications in their behalf to the overseers of the poor. But, notwithstanding this notice, only fourteen returns in addition to the same number previously furnished, were received as late as the 13th July ensuing. A circular was then addressed to the overseers of the poor of every town in the State, from which returns had not been received, pointing out to them the requirements of the law, and calling on them for a prompt execution of the duty enjoined upon them. On the 20th August, two hundred and ninety-two answers had been received, and the number has since been increased to three hundred and sixty-four, leaving the overseers of the poor in four hundred and sixteen of the towns still delinquent, notwithstanding the repeated calls upon them above specified. Of the towns not heard from, one hundred and seventy-five had one or more deaf and dumb persons, when the census of 1830 was taken.

In consequence of the defective nature of the returns made by the overseers of the poor, it became necessary in many cases to address them a second time, for the purpose of procuring detailed answers to the inquiries set forth in the published directions of the Superintendent.

By reason of these continued embarrassments, the greater part of the selections under the act of April 6, 1833, were made but a few weeks before the commencement of the annual term of instruction at the Institution. In fact, it was necessary, in several instances, to make selections after the first of October, the commencement of the term, to fill vacancies occasioned by the refusal of parents to part with their children. It is a source of deep re-

gret, that the proffered bounty of the State should have been rejected in any case. It is nevertheless true, that under the influence of a natural but misdirected anxiety of parents for their unfortunate offspring, or from the sordid calculation of deriving an inconsiderable profit from their labors at home, several promising children have been deprived of the benefits of instruction, and thus consigned to a state of ignorance and mental degradation, which, after the lapse of a few more years, must be utterly without hope of amelioration.

It will be perceived, by referring to the accompanying list, marked A. of State pupils selected during the year 1833, that an equal number has not been taken from each senatorial district. This irregularity, however, did not exist in the first selections, but has been caused by the refusal of the parents and friends of some of the deaf mutes selected to allow them to accept the offers of instruction extended to them. Thus, in the seventh district, in which the greatest deficiency exists, five persons were originally selected; but of their number, only two have accepted; and one vacancy has occurred in that district since the first of October, in the number of State pupils previously at the Institution. As the returns from every county in the district were exceedingly defective, the deficiency was supplied by the Superintendent, under the third section of the act of March 23, 1827, by selecting from other districts; and as these selections were made at a very late period, they were thrown into the districts nearest at hand, in order that the vacancies might be supplied at the earliest possible day. This circumstance will account for the large number from the third district. By means of the selections which must be made to fill vacancies during the next two years, the existing inequality may be supplied without difficulty.

In the liberality of its provisions for the education of deaf mutes, the State of New-York yields to no other country. In the Kingdom of Denmark, the proportion of deaf mutes who are instructed, to those who are deprived of the benefits of instruction, is as one to one and one-seventh; and it deserves to be recorded to the honor of the reigning sovereign, that he has published a law, declaring that every deaf and dumb child born in his dominions, shall receive such an education as shall render him an useful member of society. In Holland, Belgium, Scotland, and the Dukedom of Brunswick, the proportion of those who are instructed to those who are un-

instructed, is as one to one and one-half; in France, as one to four and one-third; and in Europe at large, as one to seven and one-fifth; while in this State, the number annually admitted into the Institution at New-York and the Central Asylum at Canajoharie, which have now one hundred and sixty-eight pupils, equal the number who annually attain the age of ten years, the lowest term for their admission, but for the fact that the laws providing for the instruction of a considerable portion of the whole number have but recently gone into operation. With the exception of the Dukedom of Nassau, the Principality of Lippe-Schauenburgh, and the free towns of Hamburg, Bremen and Frankfort, in which the whole number of deaf mutes may be educated by force of existing provisions, the State of New-York takes precedence of every other country. It is to be observed, also, that the institutions in several of the foreign States above referred to, are sustained by subscriptions; while of one hundred and sixty pupils annually receiving instruction in this State, one hundred and twenty are educated at the public expense. There are a few pupils in the Institution at New-York from other States; but the number is not so considerable as to impair the accuracy of the calculation above made, with regard to the ability of that Institution and the Asylum at Canajoharie to educate all the deaf mutes in the State, who are hereafter to attain the age of ten years.

It is a source of grateful reflection; that the extent of this public and personal evil, against the consequences of which the munificence of the Legislature has so liberally provided, is not so great as in many other quarters of the globe. In most of the countries of Europe, the proportion of deaf mutes to the whole population is as one to about fifteen hundred; and in Switzerland and the Grand Duchy of Baden, it is as high as one to five hundred. Throughout the world, as in Europe, the proportion is estimated to be nearly as one to fifteen hundred. In the United States, it is as one to two thousand; and in this State, it is only as one to two thousand one hundred and seventy-two. With the exception of Belgium and Holland, in which the proportion is as one to two thousand eight hundred and forty-seven, this State is more highly favored than any country in Europe.

There is perhaps no public charity more worthy of the liberality and fostering care of government, than the instruction of the deaf

and dumb.* Although their infirmity is frequently constitutional, it is more frequently the result of disease in early life. It is also to be observed, that the great majority belong to those classes which depend upon their manual labors for the support of their families. Of more than two hundred and fifty names reported during the present year to the Superintendent by the overseers of the poor, who are required to make returns of all in their respective towns, not more than twenty are represented as having parents of sufficient pecuniary ability to provide for their instruction. The education of this unfortunate class must, therefore, be provided for by private subscription, or by appropriations of money by the Legislature. In Europe, many institutions rest essentially upon the basis of the former. In this country, where large private fortunes are few, and where the perpetual operation of law is to dissolve those accumulations of wealth which are the fruit of superior talents and industry, provision by public law is the only unfailing source of benefaction. If the annual contribution on the part of the State is considerable, so also is its return of benefits. It is not, perhaps, too much to say, that in rendering useful members of society those who, without its interposition, would have been comparatively useless, if not a burden, and in preparing them to add by their labors and industry to the common stock of wealth, the State may ultimately be indemnified, in a strictly economical view, for its expenditure upon them. But there are considerations of a higher character, connected with this subject. The moral and intellectual condition of the deaf mute without instruction, partakes of the deepest degradation. Some of the most sagacious and experienced instructors have gone so far as to pronounce with confidence, that

* The considerations in favor of the interposition of the public authority in behalf of deaf mutes, cannot be better expressed than in an extract, of which the following is a translation, from the Third Circular of the Royal Institution of Paris, a publication replete with valuable information and enlightened sentiments on this interesting subject.

"In providing for this unfortunate class the benefits of education, governments fulfil an elevated and affecting trust, and we may add, indeed, a sacred duty. If the most imperative considerations claim for public education their constant care, how much more urgent do those considerations become with regard to a class of persons, who are to be fitted for social life, by instilling religious principles and moral sentiments, by enlightening their minds and training them to habits of industry! especially when it is considered how necessary it often becomes for the public administration to supply the neglect or indifference of parents; when it is considered that they belong principally to families in indigent circumstances; and finally, that the education of the deaf and dumb requires a system of special instruction, which is generally beyond the reach of their parents, and with which ordinary instructors are not familiar."

he is, under such circumstances, destitute of all moral sense, and that it can be communicated by instruction only. But without acceding to a proposition so repugnant to nature and reason, it is manifest that the abandonment of deaf mutes to their own unassisted reflections, bounded as they must necessarily be by the narrow circle of the sensations, exerts a most deplorable influence upon the mind and character. Under such circumstances, they become almost without exception selfish and distrustful; and it is only through constant exhibitions of sympathy and interest in their condition, that these moral biasses can be rectified, and the instructor justified in the hope of being able, by long continued exertions, to prepare them for the impression of more just and rational sentiments. In a moral as well as an intellectual point of view, the instruction of the deaf and dumb, by liberating their minds from imprisonment, and opening them to the lights of knowledge and virtue, deserves to be ranked among the highest achievements of science and philanthropy. It is literally reclaiming and rendering fruitful a soil, which, without culture, would have been devoted to perpetual barrenness.

Institution for the instruction of the Deaf and Dumb in the city of New-York.

A few weeks after the commencement of the present annual term of instruction in October, the Superintendent visited and inspected this Institution.

The principal building, in which the pupils are lodged and instructed, is commodious, airy in its situation, and in all respects adapted to the use for which it was designed. The lodging-rooms are spacious, convenient, well ventilated, and are furnished with mattresses and bedding of excellent quality for all the pupils without distinction. Their meals are taken in a common dining-hall, which is of sufficient capacity for the convenient reception of all the members of the establishment, including the principal, the professors, and the matron of the Institution. The meats and bread are of the best quality, and the vegetable portion of their diet, consisting of the productions of the garden belonging to the Institution, is of the greatest variety and perfection. In short, it is difficult to suggest any improvement in "their treatment in respect to board and lodging."

It has been heretofore stated in the reports of the Superintendent and of the directors of the Institution, that the male pupils, in
[Senate, No. 41.]

addition to the mental instruction imparted to them, have at stated hours during the day, been practised in some manual art. With regard to deaf mutes it almost always happens, as has already been remarked, that the misfortune of poverty is superadded to defective physical organs. To withdraw them from their parents for the purpose of educating them merely, and send them back with no means of procuring a livelihood, would defeat the end of their instruction, which is to prepare them for usefulness. It has been wisely provided, therefore, that their mental instruction should be accompanied with the communication of some art, on the exercise of which they may rely in after life for their support. It is in this manner only, by rendering them useful and independent members of society, that the beneficent objects of this public charity can be fully accomplished. The building devoted to the purpose is conveniently situated near the main edifice, and contains three separate workshops in which the pupils are employed, under the direction of a cabinet-maker, a tailor and a shoemaker. Such of them as prefer gardening are employed under proper direction, upon the grounds belonging to the Institution. To the trades that of book-binding has been added since the commencement of the present term. In the selection of a trade the inclinations of the pupil and the wishes of his parent or guardian are always consulted.

The females are employed in a spacious apartment in the main building in sewing and knitting, or with household occupations under the direction of the matron in the female branch of the establishment.

The fiscal administration of the Institution is regulated by the strictest economy in expenditure, consistent with a liberal regard to the comfort of the pupils; the control exercised over them is mild and parental; and they appear to be without exception contented and happy. For these results the principal, Mr. H. P. Peet, who devotes his whole time to the superintendence and management of the establishment, is entitled to the highest praise.

The cessation of the lotteries in this State on the 31st of December last, has withdrawn from the Institution one of its sources of annual income, amounting to several thousand dollars; and it is much to be desired that some mode should be devised of supplying this deficiency.

The mode of instruction consists in teaching written language by means of signs. The province of the latter is either to express

the meaning of words and explain the construction of sentences, or to describe such circumstances, actions and events as are calculated to call forth the ideas, which it is desired to create.

The signs, which are employed in the instruction of the deaf mute, are of little or no use to him when his education is complete, and when he goes forth into the world, in the concerns of which he is thereafter to take an active part. The most simple of the natural signs which he employs, may be comprehended by all with whom he comes in contact; but there is a variety of natural signs which are not so obvious in their meaning. The very infirmity under which he labors, leads him to examine surrounding objects with extraordinary minuteness, with a view to describe them to those with whom he communicates; and though the signs, which he employs in his descriptions, may be natural, they may not be readily comprehended by those who have observed natural objects with less care than himself.

The meaning of methodical signs, or such as represent words and their accidents, and are invented to render the language of signs parallel to artificial language, is still less obvious to those who are uneducated in them. These must necessarily be wholly abandoned by the deaf mute in his intercourse with the world. The same observation is equally true of comprehensive signs, or such as represent ideas, and, indeed, of all which are conventional in their origin and signification.

The great fundamental of the instruction of the deaf and dumb is, therefore, to lead them to the formation of ideas corresponding with the words of written language, and for this purpose the use of sign language is resorted to. But when those ideas are once formed, no other signs than words are necessary. Thus the constant aim of the instructor is to compel the deaf mute to the adoption of words instead of signs of action; for although the syntax of the language of signs, which differs radically from every other, may not be unfavorable to the development of ideas, it is a source of embarrassment in familiarizing the deaf mute with a knowledge of written language,—and a knowledge of written language is the end of the course of instruction. In carrying the system into effect, the professors appear to proceed upon just and philosophical principles, and to have attained a degree of success, which requires only to be maintained in order to give the Institution a rank as permanent as it is elevated.

The methods adopted in the instruction of the deaf and dumb have been remarkable for their variety, and they have not yet become uniform in character. The course pursued in different institutions has not always been the same, and in the same institution it has frequently varied. In the Royal Institution of Paris, the pupils were formerly instructed, in addition to writing, in articulation, and in reading language, when spoken, upon the lips of the speaker. This system was for a time almost, if not wholly, abandoned, and the language of signs adopted in its stead, as a means of initiating them into a knowledge of written language. Recently, however, the former system has been restored, and the pupils are taught to articulate as well as to read and write.

In the German Institutions generally, articulation forms an essential branch of the course of instruction. It is also a distinguishing feature in the course pursued in the Institutions of London, Groningen, Sleswick, and others of celebrity. To what extent the deaf and dumb may be taught to speak, and to understand others by attending to the impressions made upon the organs of speech during the process of utterance, is a matter of much uncertainty, though in many instances the efforts of instructors have been crowned with distinguished success. It is supposed that by long continued and assiduous attention, the most faint and fugitive impressions upon the organs of speech may be distinctly discerned and understood, and that the sight of the deaf mute may become as efficient in distinguishing the visible signs of utterance, as the ear of one possessed of all his senses in distinguishing sounds. It is well known that particular organs of sense, by constant exercise, acquire extraordinary acuteness and strength, and this is more emphatically true when by a defect in one organ, the entire attention of the individual is attracted to and fixed upon the operations of another. Thus the blind acquire a facility in distinguishing objects, and even colors, by the touch, which appears almost incredible. It would seem, however, that success in articulation with the present modes of instruction, can be attained by a portion only of the deaf and dumb. In the Institution at Sleswick, it is among the first branches of instruction, and it is taught indiscriminately to all the pupils. After a series of trials with a view to ascertain their constitutional facilities for success, those only, who manifest the requisite dispositions, continue to be exercised in that branch; the residue are devoted wholly to the acquisition of written language. Of seventy pupils in that Institution in 1831, only thirty were ex-

exercised in articulation. The rest were, upon trial, not considered as possessing the requisite qualifications for success. The hope is nevertheless confidently indulged by many, however visionary it may seem to others, that by means of new methods of instruction, the obstacles which have hitherto been encountered in this branch of instruction may be overcome, and that the triumph of the deaf mute over the embarrassments of his condition, may be rendered complete, by enabling him to converse with those who surround him, through the same medium of communication, which is common to all men. The great practical end of imparting instruction to the deaf and dumb, is to put them in the way of communicating readily with society. Spoken language is indisputably the most certain and convenient mode, for deaf mutes are frequently under the necessity of communicating with those, who do not understand written language; and if they can so far succeed in articulation, and in reading spoken language as to make themselves understood, and to understand others in the ordinary matters of intercourse, they will have a decided advantage over those, who can communicate with the world by writing only. Certain it is, that instruction in articulation has recently been revived with renewed zeal and hopes of success in institutions by which it has once been abandoned. Hitherto no attempts have been made at the Institution in New-York, under its present direction, to give instruction in this branch. But among the number admitted under the last act of the Legislature, several give such strong evidences of a facility for articulation, that the principal intends, though at some sacrifice of convenience on his own part, and that of the instructors, to organize a class, and subject them to a regular course of exercises.

The term of instruction fixed by the Legislature for the State pupils at the Institution in New-York, is five years. Although this period may at first glance seem long, it will cease to appear so, when the embarrassments and difficulties attending the communication of written language to the deaf and dumb are fully considered. The average term of instruction for the great mass of children, who receive their education in our common schools, will not fall short of that period of time. Yet the instruction of the latter in written language is carried on with facilities infinitely superior. They are, when their instruction in school commences, acquainted with most words of their own language in common use; and when they have once become so familiar with the different letters, and their various combinations, as to be able to appropriate to them the

proper sounds, their previous knowledge of the meaning of words becomes of great utility. But it is not so with the uneducated deaf mute. When he has ascertained the meaning of a given combination of letters, he is not aided thereby in ascertaining the meaning of other combinations. Each must be separately explained, because they have to his perceptions no common property like that of sound with which he is already familiar. Although written language addresses itself to the understanding of the deaf mute, as to that of an individual in possession of all his faculties, through the medium of the sight, yet it is by associations of sound that the latter is accustomed to assign to each word its proper meaning, for with him written language is but a copy of speech; but with the deaf mute, written language is a direct representation of ideas, and he can have no knowledge of the meaning of a word until it has been explained to him by means independent of any arbitrary property attached to the written characters of which it is composed. With him, therefore, the whole process of instruction in written language must commence at its foundation. In view of these difficulties, the term of instruction in European Institutions, excepting those of Great Britain, and that of Zurich, in Switzerland, in which it is limited to five years, is never less than six years, generally seven or eight, and sometimes nine.

Among the changes and improvements which have taken place and are not already noticed, since the last annual report of the directors, the following may be briefly enumerated:

1. A small library adapted to juvenile reading, and a philosophical apparatus to illustrate truths in physics and astronomy, have been procured.
2. The number of pupils has been increased by nearly one-third, and two additional professors have been employed.
3. A full supply of large slates, of the same quality as those heretefore in use, has been imported from Wales.
4. An excellent set of models for drawing has been received from Paris, and instruction is given to a class weekly in this useful art.
5. The debt incurred for the erection of the building has been extinguished.
6. The lawn in front of the edifice has been improved by planting trees and laying out walks for the purpose of providing a promenade and play ground for the pupils.

In the last annual report of the directors it was stated that a course of lectures would probably be undertaken, with a view to enlarge the sphere of knowledge, both practical and scientific. Since that time the plan has been carried into execution with very gratifying success. It consists of a course of lectures in six distinct departments of investigation, each under the direction of a professor. The lectures are given three evenings in a week, during hours which are allotted neither to study nor mechanical occupation, and they are so arranged in point of time and duration as neither to be too burdensome to the professors, nor to be regarded by the pupils in the light of a task. The departments of instruction embrace the following subjects:

1. Those branches of science which treat of nature, and of which the object is to discover the properties and relations of all bodies.
2. Description of the mineral, vegetable and animal kingdoms.
3. Rise, progress, and present condition of the arts, commerce and agriculture.
4. Geography, physical and political.
5. History, ancient and modern, sacred and profane.
6. The science of government.

Each lecture is reduced to writing in order that the subject matter may be referred to and studied by the pupils at their future convenience. These intellectual exercises are not embraced within the limits of a common education; and besides exciting new interest in the pupils by varying the monotony of their ordinary pursuits with a mixture of more attractive subjects, they cannot fail to be in the highest degree instructive, by opening to their investigation sources of knowledge hitherto unexplored, and of the value of which they can have formed no estimate. Too much praise cannot be accorded to the principal and professors, in whose zeal and devotion this essential improvement, involving great labor on their part, had its origin.

It may perhaps be suggested that these branches of instruction are not likely to be of much practical usefulness to those who are probably destined to rely upon some manual occupation for their support. But it will, on reflection, be manifest that they have like all others, the effect of communicating ideas and of creating habits of investigation and thought, which exert an influence on the

whole character of the individual, and render him better fitted for the active duties which may devolve on him in the course of life. In proportion to the variety of the branches of instruction will be his chances of improvement; and it is conceived that the propriety of the course of instruction referred to may be fully defended without resorting to the support of incidental benefits to sustain it. The deaf mute has at least an equal claim with those possessed of all their faculties to such means of improvement as are calculated to elevate as much as possible his moral and intellectual character: indeed, he may be said to have a still higher claim, from the fact that the principal avenues of knowledge have been closed against him, and that his intellectual operations must be carried on under great disadvantages. No reason is perceived, why he is not, at all events, entitled to such facilities for developing his faculties as will, to the extent of his capacity, qualify him for respectability and usefulness in pursuits, which depend upon intellectual as well as manual exertions. The instances are not rare, in which deaf and dumb persons have become instructors, and attained a high degree of respectability for their mental acquirements.

Among the improvements, which have been introduced into the course of instruction during the last year, there is another pre-eminently worthy of note. It is a mode of teaching the philosophical construction of language by the employment of grammatical symbols. Each character denotes a particular part of speech, and by a series of modifications is also made to represent inflections of language, comprehending nouns and pronouns in their several cases, adjectives in their degrees of comparison, and verbs in their various forms. The use of these symbols is not designed to facilitate a comprehension of the meaning of words, excepting so far as the latter may be explained by those variations of time, degree and circumstance, which depend for their expression upon inflections; but they are particularly useful in teaching the artificial arrangement of sentences when a sufficient knowledge of words has been acquired; and they are likely to become a most efficient instrument in correcting that inartificial style, which too often characterizes the compositions of the deaf and dumb.

In imparting to the deaf and dumb a knowledge of language, the instructor has great difficulties to surmount. The ideas which they acquire previous to the commencement of their instruction,

are derived chiefly from sensible objects, and afford but little direct aid in illustrating ideas purely abstract. The natural language of signs, which they employ, is deficient in a multitude of those connecting particles, which are necessary to render speech or written language intelligible. Its syntax is also singularly irregular, admitting the greatest variety of transposition, and uniformly discordant with that of every language, which has its material in sound. All observers concur in the fact that the order in which the terms of a proposition present themselves to the mind of an uneducated deaf mute, is invariably that which is denominated the inverted order; and his signs, being the faithful copy of those ideas, are of necessity characterized by the same inversion. When it is considered that this order, though inverted, is subject to no positive law, the difficulty of binding down to particular rules the mind accustomed to its use may be in some measure appreciated. The symbols afford an invaluable aid to such a mind in enunciating the judgments which it forms. They present an order which is invariable. They render obvious the necessity of particles indicating connection and relation. They fix the places of the principal terms of a proposition, and by consequence also, of those which are secondary, in such a manner that a different collocation would be palpably erroneous. They owe this property to the fact that though founded on the philosophy of artificial language, they embody, under a visible form, the distinctions of universal grammar; distinctions, which exist in the language of action as in that of speech.

Central Asylum at Canajoharie.

By the act of April 19, 1823, Laws of 1823, chap. 189, page 224, incorporating this Institution, one thousand dollars was appropriated to its use, three hundred of which was to be applied towards the erection of a suitable building, "and the remainder to be applied exclusively for the support of the indigent deaf and dumb, whose parents are unable to support them at said school." It was expressly provided that the term of instruction should not exceed three years.

By the act of April 16, 1822, Laws of 1822, chap. 234, page 247, it was provided that the term of instruction for the deaf and dumb pupils educated at the New-York Institution, at the expense of the State, should not exceed three years.

By the act of April 15, 1825, Laws of 1825, chap. 166, page 262, the provisions of the act of April 16, 1822, which related exclusively to the New-York Institution, were continued in force for five years from and after the 1st of May, 1826; and it was provided by the third section of the first named act, that, "the term of the scholars for an education at the Institution aforesaid, shall, and may be, extended to four years." By the fifth section of the act of April 15, 1825, it was provided that the president and directors of the Central Asylum might receive from each senatorial district, "two scholars into their Institution, at the yearly expense of eighty dollars for each scholar, in the same manner that is directed of, and concerning scholars to be taken into the New-York Institution for the instruction of the Deaf and Dumb by the act hereby amended," &c. The act referred to as amended, was the act of April 16, 1822, and one of the most essential alterations in the conditions upon which deaf and dumb children were educated, was an extension of the term of instruction from three to four years. By the act of April 19, 1823, as has already been seen, the term of instruction for State pupils at the Central Asylum was restricted in express terms to three years; and although the act of April 16, 1825, does not expressly enlarge it, excepting for pupils educated at the public expense at the New-York Institution, yet it was supposed that by the words "hereby amended," in the fifth section of the last mentioned act, the intention of the Legislature was to apply to the Central Asylum the provisions of the act of 1822, so far as the selection and instruction of pupils was concerned, with such amendments as were provided for by the preceding sections of the act of 1825. Under this construction of the law, the State pupils at the Central Asylum have been kept there four years.

By the first section of the act of April 15, 1830, Laws of 1830, chap. 170, page 185, it was provided that the State pupils at the New-York Institution might "be received and retained in the said Institution for five years."

The six first sections of this act relate exclusively to the New-York Institution, and it is provided by the sixth section, that the acts of 16th April, 1822, and 15th April, 1825, "as far as the same relate to the New-York Institution for the instruction of the Deaf and Dumb, shall be continued in force for five years from and after the first day of May, one thousand eight hundred and thirty-one, subject to the alterations herein before contained."

By the seventh section of the act of April 15, 1830, the president and directors of the Central Asylum were permitted to receive from each senate district, one pupil in addition to the number then authorized, "upon the terms, and with the rights and privileges contained in the fifth section of the act, passed April 15, 1825."

Whatever may have been the intention of the Legislature, it is clear that the amendments above provided for, to the acts of April 16, 1822, and April 15, 1825, cannot, according to any just rule of construction, be made to apply to the State pupils educated at the Central Asylum. Those acts are amended only so far as they "relate to the New-York Institution," and it is only in relation to that Institution that they are continued in force for five years longer, "subject to the alterations" contained in the act of 1830. An application of these alterations in express terms to the New-York Institution by the sections relating to it, and an omission to apply them to the Central Asylum must be deemed to exclude the latter from their operation. If this construction of the act required additional support, it would be found in the fact that the only section which relates to the Central Asylum, in providing for an additional number of pupils, expressly secures to them the rights and privileges contained in the act of April 15, 1825, without any reference whatever to the amendments made by the preceding sections of the same act in relation to the New-York Institution.

By the act of April 18, 1831, Laws of 1831, chap. 142, page 190, it is again provided that the president and directors of the Central Asylum may receive from each senate district three pupils, "upon the terms, and with the rights and privileges contained in the fifth section of the act, passed April 15, 1825."

The act of 1831 was intended to supply the provisions of law then existing, which were about to expire by their own limitation.

The Institution is, therefore, authorised to receive twenty-four pupils at the annual expense of eighty dollars each, to be paid out of the treasury of the State. And as the provision of the act of 1830, enlarging the term of instruction at the New-York Institution from four to five years, was not extended to the Central Asylum, the term of instruction for the State pupils educated at the latter is controlled by the provisions of the act of 1825, which limit it to four years.

The Superintendent has not found time since his appointment to visit and inspect this Institution; but it is his intention to do so as early in the ensuing spring as shall be consistent with more urgent official duties. It has been several times recommended by his predecessor that the pupils instructed at this Institution at the public expense should be transferred to the New-York Institution, and the grounds of these recommendations were assigned at large in successive reports to the Legislature. The act, by which the expense of their education is defrayed, will expire on the 30th April, 1836. If it should be re-enacted, (and indeed, so long as it continues in force,) it is deemed important that the State pupils educated at this Institution should have the same advantages, so far as it is in the power of the State to confer them, as are enjoyed by the pupils at the Institution in New-York. So far as the means of instruction are concerned, the latter must necessarily have a decided superiority over the former: but the term of instruction at least should be equal. The New-York Institution already possesses an advantage in its facilities for introducing improvements through the greater number of experienced instructors, whose services it requires; and if to this advantage a longer term of instruction is super-added, there will be just ground of complaint on the part of the friends of those pupils, who are instructed at the Central Asylum, that the bounty of the State is not dispensed with an equal hand. The Superintendent understands from the principal of the Central Asylum, that the president and directors have considered the provision of the act of 1830, extending the term of instruction at the New-York Institution to five years as applying to their Institution also. To the Superintendent it seems clear that it cannot be so applied, upon any fair construction of the language of the act. At the same time he deems the distinction altogether unjust, and he begs leave to suggest to the Legislature the propriety of correcting an inequality, which was probably inadvertent, by providing that the term of instruction at both Institutions shall be the same.

When the proper time shall arrive, it will doubtless be a subject of serious consideration with the Legislature, in view of the opinions heretofore expressed, whether the State pupils educated at this Institution should not be transferred to the Institution in New-York.

Power of supervisors of counties to provide for the education of indigent deaf and dumb children.

By the 6th section of the act of April 16, 1822, Laws of 1822, chapter 234, page 247, it is provided, "that if, after the above number of indigent deaf and dumb shall have been sent from any Senate district, there shall remain therein any other fit objects of the same charity, it shall be lawful for the supervisors of any county in such district, in their discretion, to select and send from such county to the Institution aforesaid, or such other as may be hereafter by law directed, any indigent deaf and dumb person within the ages above prescribed, who shall be received on the same terms as those supported at the expense of the State: and it shall be lawful for such supervisors to add a sum of money sufficient to meet the expense of supporting and educating such persons, together with the necessary expenses of travelling to and from the Institution, to the sums which are raised and levied within their county, according to the sixth section of the act for the support of common schools; such sum to be raised and collected in the manner directed for raising and collecting of school money in the said sixth section of the act aforesaid; and it shall thereupon be the duty of the collectors of the several towns to pay over such additional sum to the treasurer of the county, whose duty it shall be to pay over the same to the treasurer of the institution whereat such deaf and dumb pupils are educated, in the same manner, and on the same certificates, as is in the fifth section of this act directed with respect to the payments made by the Treasurer of this State: provided always, that the whole additional sum so levied and raised for the purpose of this charity upon any county, in any one year, shall not exceed one hundred and fifty dollars for every member of Assembly to which such county shall be entitled."

This provision is continued in force by chapter 166, Laws of 1825, and by chapter 170, Laws of 1830.

It was undoubtedly the expectation of the Legislature, in framing the above provision, that the authority conferred on the supervisors would be exercised in all proper cases, by charging the expense of educating such deaf and dumb persons as should be unprovided for, after applying the sums appropriated from the treasury of the State, upon the towns in their respective counties to which those persons

belonged. The county of New-York supports eleven mutes at the New-York Institution, and the county of Montgomery two at the Central Asylum. The counties of Albany, Columbia and Seneca, each sent one to the New-York Institution, on the condition that they should fill the first vacancies on the list of State pupils; and neither of those counties were charged with the expense of maintaining them more than one year. It surely could not have been anticipated, that the authority referred to would remain almost wholly inoperative during so long a period of time. Yet, with the exceptions above specified, it has not been exercised in a single instance; and it is to be regretted that the cause is not to be found in a want of subjects for the relief contemplated. There are in several of the county poor-houses, the expenses of which are a county charge, one or more deaf and dumb children; and it is conceived that the modification of the general law for the support of indigent persons since the act of April 16, 1822, was passed, would, in all cases where the distinction between town and county poor has been abolished, make the education of the deaf and dumb under the provision of the act above quoted, a charge upon the county without a special enactment to that effect. It is proper to state, that of the recent selections, two were made from the poor-houses of populous and wealthy counties, although the Superintendent was well aware that these cases ought, in view of the provision of the act above quoted, to have constituted a local charge upon the county, and not a charge upon the treasury of the State. But the exercise of the power given to the county authorities to provide for them, was wholly discretionary; and as it was not exercised, the Superintendent deemed it unjust to the children referred to, who were recommended to him as highly promising, to exclude them from the benefits of the general provision of the law, because they were embraced by a special provision, which was allowed to be wholly inoperative.

The Superintendent also deems it proper to state, that three deaf mutes selected for the Institution as State pupils, were not sent there in consequence of the inability of the parents to furnish them with clothing, and pay their travelling expenses. These items of expenditure are not embraced within the appropriation made by law for the instruction of the deaf and dumb. The sum of one hundred and thirty dollars paid for each State pupil, is intended to cover the expense of board and tuition only; and as it would be unjust to charge the expense of providing clothing upon the In-

stitution, which, however, would supply it as a matter of necessity, if the pupils were to become destitute during their term of instruction, the Superintendent has exacted in all cases from the parents or guardians of the deaf mutes, or some responsible person in their behalf, as a pre-requisite to their admission, a written agreement to supply them with clothing while at the Institution. The three cases referred to, were all reported originally by the overseers of the poor; and by them also the Superintendent was apprized of the inability of the parents to avail themselves of the liberality of the State, by furnishing the agreement required. Their destitute condition was, therefore, a matter of notoriety; and it was with a full knowledge of the facts that the town authorities have allowed the public bounty to be drawn into other channels, and those to whom it was tendered to be deprived of the invaluable benefits which it promised, for want of an inconsiderable sum to defray expenses not provided for by the State. In justice, however, to other towns similarly situated, it is proper to say, that the authorities have, on application to them, promptly pledged their official credit for the expenditures necessary to give effect to the act of the Legislature, upon the faith of securing an allowance from the town or county, under the general provisions of the law for relieving indigent persons.

To provide for these cases, which stand in such unfavorable contrast with the munificent provisions of the Legislature, as well as to guard against the recurrence of others of a similar character, it is respectfully submitted whether the exercise of the authority given to the supervisors by the act of 1822, instead of remaining discretionary, should not be made imperative whenever a proper application to them shall be presented. With such a change in the existing provision on this subject, and with such annual contributions as are required to meet the necessary expenditures of the established institutions, nothing would remain to be done by the Legislature for the support and perfection of a system, productive of unquestionable benefits to the public as well as individuals, by fitting for usefulness a class which would otherwise be in a great degree lost to the community—a system which, in the liberality of its endowments by public law, reflects equal honor upon the humanity and enlightened judgment of the State.

JOHN A. DIX,

Superintendent of Common Schools.

(A.)

**State Pupils selected for the New-York Institution
during the year 1833.**

First District.

Frances Hammond,
John Thompson,
Charlotte Howell,
Josiah Jones,
Catharine Conner,
Andrew Pierce.

Second District.

Joseph H. Smith,
Elias Johnson,
Jarusha Wiley,
John Benedict,
Emeline Banks,
Rhoda Worden,
Taber Bently.

Third District.

Patrick O'Brien,
Jacob Lagrange,
Abraham Conklin,
Frances Genet,
Susan Bortle,
Laura Williams,
Mary Scranton,
Susan Lagrange,
Ann Maria Mullen.

Fourth District.

Martha Sweet,
Mary Jane Smith,
Catharine White,

William Varino,
Joseph H. Perrigo junior,
Eleanor Reid.

Fifth District.

James Alexander Watterson,
Sarah Griswold,
Miranda Chapin,
Marcus Whitney,
Mary Holt,
Alonzo Lum.

Sixth District.

Hiram T. Lockwood,
Harriet Denton,
Jane Arnold,
Elnora Brockway,
Susan Wescott.

Seventh District.

Charlotte A. Reed,
Isaac Garrett.

Eighth District.

Cornelius H. Reynolds,
Emery Munger,
Margaret Karnes,
Harriet N. Smith,
Louis Barry,
James Day,
Mary Bishop.

IN SENATE,

February 6, 1834.

STATEMENT

**And proposition of Dr. S. White, proprietor of the
Hudson Lunatic Asylum.**

Statement of cases at the Hudson Lunatic Asylum.

During the year 1833, sixty-six cases have been treated, to
wit:

Chronic cases remaining at the commencement of the year,..	17
Recent cases,	5
	<hr/>
	22

Forty-four cases have been admitted in the course of the year,
to wit:

Chronic cases,	24
Recent cases,	13
Intemperance,	6
Opium eater,	1
	<hr/>
	44
	<hr/>
The whole number of chronic cases,	41
Recent cases,	13
Intemperance,	6
Opium eater,	1
	<hr/>
	66

Forty-four cases have been removed during the year, to wit:

Chronic cases,	1 recovered.
"	4 much improved.
"	9 improved.
"	6 stationary.
"	2 died.
	<hr/>
	22

Recent cases,	13 recovered.
“	1 improved.
“	1 died of another disease, but was recovering from insanity.
	<hr/> 15
Intemperate,	5 reformed.
“	1 unreformed.
Opium eater,	1 reformed.
	<hr/> 44

Twenty-two cases remaining January 1st, 1834, to wit:

Chronic cases,	1 recovered.
“	2 much improved.
“	11 improved.
“	5 stationary.
	<hr/> 19
Recent cases,	3 recovered.
	<hr/> 22

SUMMARY.

Recovered,	18
Much improved,	6
Improved,	21
Stationary,	11
Dead,	3
Intemperate reformed,	5
“ unreformed,	1
Reformed opium eater,	1
	<hr/> 66

The whole number that have been admitted and treated since the opening of the Institution, July 1st, 1830, a period of three years and a half, is one hundred and thirty-one.

Hudson, January, 1st, 1834.

To extend the accommodations, and render more efficacious the benefits of the Hudson Lunatic Asylum, the proprietor of said Institution makes the following proposition to the Honorable Legislature of this State: That if the said Legislature will make to the proprietor of said Asylum, a grant of three thousand dollars, annually, for five years in succession, the said proprietor will gua-

rantee on his part, for said grant, to support and medically treat sixteen subjects, or two from each senatorial district, during the above period of five years, provided the same shall be selected from cases of insanity the most recent, by the senators of each district, or such other persons as the Legislature shall designate; and also, that no subject shall be received for a less term than three months, and that no subject shall be continued at any one period of time, over one year.

Respectfully submitted,

S. WHITE, M. D.

Proprietor.

No. 43.

IN SENATE,

February 7, 1834.

REPORT

**Of the committee on literature, on the petition of, S.
Miller, junior, and others.**

Mr. Van Schaick, from the committee on literature, to whom was referred the petition of S. Miller, junior, and others, of the county of Lewis,

REPORTED:

The petitioners desire that the law regulating the mode of settling disputes which may arise in school districts, may be restored to its original provisions, as they are found in the Revised Statutes of 1828: Vol. 1, page 487, sections 110 and 111.

By that law any person feeling himself aggrieved in consequence of any decision made, or act done, by any school district meeting, or by the trustees of any school district, may appeal to the commissioners of common schools, of the town, whose decision thereon shall be final.

And the trustees, or other persons, conceiving themselves aggrieved by the commissioners, in the performance, or non-performance of certain duties, specified in the 111th section, may appeal to the Superintendent, whose decision shall be final.

By the amendments to the Revised Statutes, passed in 1830, Vol. 3, Appendix page 147, the 110th and 111th sections of the law of 1828, above referred to, were repealed, and a substitute enacted, referring to the Superintendent of Common Schools the decision of all disputed questions arising under the title of the law respecting school districts, and the duties and powers of their officers.

This revision of the revised law was made, as your committee are informed, upon careful inquiry respecting the operation of the different modes of adjusting disputes of the nature described in those laws: and your committee have not been able to discover any sufficient reason why the law of 1828 should be re-enacted.

The petitioners imagine that small difficulties would be better settled by commissioners residing on the spot, and who are acquainted with the local facts of each case: but it may be answered that this is too uncertain a proposition to call, by its own weight, for the re-establishment of the old law; on the contrary, the Superintendent being removed from the scene of disagreement, must, in all cases, be considered an impartial umpire; and if the difficulty of the appeal is, in some cases, increased by the distance of the umpire from the place of contention, that circumstance may induce friends and neighbors to avoid creating occasions for appeal in regard to trifling affairs.

Your committee submit the following resolution:

Resolved, That the petitioners have leave to withdraw their petition.

IN SENATE,
February 7, 1834.

REPORT

Of the committee on literature, relative to the purchase of books, &c. for the use of the academies and schools under the charge of the Regents of the University,

Mr. Van Schaick, from the committee on literature,

REPORTED:

That it has been suggested to them, by a committee of the Board of Regents of the University, appointed to confer with the committees of the two houses, that a provision of law, which would leave the Regents at liberty to appropriate a portion of the Literature fund to the purchase of books, and of chemical and philosophical apparatus, for the use of the academies and schools under their charge, would operate beneficially for the interests of learning throughout the State.

The committee from the Board of Regents represent that many of the academies and schools subject to their visitation are destitute of the requisite means of instruction in this respect, and likely to continue unfurnished, unless they are supplied by a suitable arrangement of the revenues of the Literature fund.

The plan proposed, by the committee of the Regents, is indicated by the first section of the bill which your committee now offer to the consideration of the Senate. Its features are; to distribute, annually, \$10,000 of the income of the Literature fund among the academies and schools subject to their visitation, in the manner now directed by law in regard to the whole income of that fund; and to appropriate the balance of the income, amounting to about

[Senate No. 44.]

\$4,000, by the same rule of distribution, to the purchase of books maps, globes, and of chemical and philosophical apparatus for the use of said academies and schools.

Your committee approve of, and recommend the suggestion, as well calculated to promote the purposes contemplated in the creation of the fund.

The attention of your committee has been incidentally called to the fact that instances not unfrequently occur, in which the money distributed to colleges and schools, instead of being applied exclusively to the payment of the salaries of tutors, is expended in the construction or repair of buildings.

A case of this description is given in the return from the Lewiston academy, for the past year. It is as follows:

"Amount of money received from the Regents of the University, since the last annual report, was \$177.79. This sum has been accounted for as follows:

"Finishing the third story of academy, and building out buildings."

It can require no argument to convince the mind that if this mode of applying the revenues of the fund is much longer tolerated, it will become general, and in that event the very institutions which were intended to be assisted by the fund, in the prosecution of their literary pursuits, will be committing serious injury to their own reputation. It is believed that such a diversion of the fund is entirely at variance with the design of its foundation; for though there is no express prohibition in the statute of such a use of the income of the fund, yet the general import of the law bears out the common sentiment which prevails, that any application of the revenue not promotive of the immediate business of education, is contrary to the spirit of the law and the intention of its framers.

Considering the evils that may grow out of the defect of the law, in not expressly confining the application of the income of the fund to the payment of the compensation of tutors and the purchase of books, &c., your committee submit the second section of the bill, which is intended to accomplish that object.

And in proposing this measure they are strongly supported by the example afforded them in regard to the application of the common school moneys. The Legislature have carefully restrained the commissioners of common schools from appropriating any portion of the common school monies to any other purpose than towards the payment of the compensation of teachers. The analogy of this case must be decisive as to the policy of the measure proposed. The provision is found in the 24th section of the 15th chapter, part 1, title 2 of the Revised Statutes. The section prohibits the apportionment of school moneys to any district unless, among other things, the report shall make it appear, "that all moneys received from the commissioners, during that year, have been applied to the payment of the compensation of such teacher."

This is most assuredly a salutary guard upon any misapplication of the fund; and the case of the Lewiston academy demonstrates the necessity of extending the same principle to the academies and classical schools, which are, or may become entitled to participate in the revenues of Literature fund.

IN SENATE,

January 27, 1834.

ANNUAL REPORT

**Of Henry Salsbury, an Inspector of Lumber in the
city of Albany.**

To the Honorable the Legislature of the State of New-York.

The undersigned, Henry Salsbury, one of the inspectors of lumber in and for the city and county of Albany, respectfully reports, that during the year one thousand eight hundred and thirty-three, he has measured and inspected the following lumber, to wit:

<i>Feet.</i>		<i>Per M.</i>
1,240,930	first, second and third qualities of pine boards and plank, which have been at an average price of \$26	\$32,264 18
2,080,313	fourth quality do.	11 22,883 44
146,525	4 quality do.	22 3,223 55
311,047	"	9 2,799 42
394,409	whitewood board 4,.....	11 4,337 39
68,860	ash plank,.....	14 964 64
61,079	maple joists and boards,.....	10 610 79
32,027	oak plank,	24 768 64
38,971	cherry boards,.....	25 974 30
27,451	whitewood plank, first quality, ...	35 960 78
12,880	" " second quality,.	20 257 60
96,058	beam timber,	10 960 58
<hr/>		
4,510,550	feet.	
3,784	feet oak timber, at 20 cts. per ft.	756 80
10,364	" pine timber, 12 "	1,347 30
5,372	" hemlock timber,... 8 "	429 76

Total amount,.... \$73,539 17

Total amount of fees,.....	\$1,431 95
Deduct for labor,.....	300 00
Balance,	<u>\$1,131 95</u>

All which is respectfully submitted.

HENRY SALSURY.

Albany, January 9th, 1834.

No. 46.

IN SENATE,

January 27, 1834.

ANNUAL REPORT

**Of Robert Barnes, Inspector of Hops in the city of
New-York.**

To the Honorable the Legislature of the State of New-York.

In conformity with former practice on the hop inspection, I herein transmit a statement of my proceedings as inspector for the port of New-York, during last twelve months, ending first of 1st month, 1834. Quantity and value thereof as near as obtainable on sale.

Inspector's report for 1833, up to 1834.

2,842 bales of hops, containing 552,190 lbs. at 22 cts. \$121,481 80

Inspector's fees at 10 cents per 100 lbs. \$552 19

Deduct for extra labor and incidental expenses,..... 170 52

\$381 67

Emoluments on 12 bales seized, \$60 00

Cost and charges on seizure paid by inspector,.. 16 23

My emoluments on the above,..... 43 77

Including my fees for last 12 months, ending 1st month

1st, 1834, \$425 44

The above statement is as correct as is obtainable.

R. BARNES,

Inspector.

Affirmed before me this 16th January, 1834.

JOHN YATES CEBRA, *Alderman 1st ward,
and Justice of the Peace for city and county of New-York.*

[Senate No. 46.]

No. 47.

IN SENATE,

February 4, 1834.

REPORT

Of the committee on Banks and Insurance Companies, relative to the Seventh Ward Bank, in the city of New-York.

Mr. Edmonds, from the committee on banks and insurance companies, who were authorized by a resolution of the Senate to inquire into the practices resorted to for the purpose of procuring the act of incorporation of the Seventh Ward bank in the city of New-York,

REPORTED:

That they have discharged the duty imposed upon them by the resolution, and have examined various witnesses, whose testimony is herewith reported. The committee have had under examination all the commissioners of the bank except Mr. Dally, whose infirm health prevented his attendance before the committee, and who had been engaged in none of the practices detailed by the witnesses. And they have also examined all who acted as agents for the application, while it was pending before the Legislature, and several of those whose aid to the bill was said to have been purchased.

From this examination it appears, that James Perkins, who is a broker and has an office in Wall-street, in New-York, was employed by the applicants, as their agent, to attend to that application during its progress through the Legislature, and that James R. Whiting and James Morgan, of that city, were the most prominent and active of the applicants. Mr. Perkins was a stranger to Mr. Whiting, and was originally employed by Mr. Morgan and by him introduced to the other applicants, as a suitable person to at-

tend to the application at Albany. He accordingly visited Albany, about the middle of January, and remained, with some slight exceptions, from that time until the bill incorporating the bank passed into a law.

Messrs. Whiting and Morgan were at Albany only two or three times during the session, and remained a very few days at a time, and there is no part of the testimony which justifies the belief that either of them made any pledge or promise of stock to any one, excepting only their agreement with Perkins. That agreement was made at the time that Perkins was employed, and by it he was to have \$20,000 of the stock at par if the bank was chartered, and was at all events to receive payment for his actual necessary and proper personal expenses, while attending at Albany. Whatever promises of stock or contracts, in reference to stock, were made, originated with Perkins, as it appeared, and the committee, therefore, deemed it necessary to institute a strict inquiry into all his conduct relative to the application. This inquiry has brought into view several transactions, from which the committee cannot withhold their censure.

During Perkins' passage to Albany, he travelled in company with John D. Brown, of New-York, and he soon obtained the impression that Mr. Brown could aid his application. He therefore entered into an arrangement with Brown, whereby the latter was to lend his assistance, and in case the bank was chartered was to receive for his services \$10,000 of the stock at par. It is not to be understood in any of the cases where stock was promised, that no money was to be paid for it. The receiver was to pay the subscription price, but would obtain his compensation in the increased value of the stock. Some of the witnesses estimate such increase at from 5 to 7½ per cent, so that the premium to be paid Brown for his services, would have ranged between \$500 and \$750.

Mr. Brown performed his part of the contract, and rendered such services to the application as he could. And when the subscription books for the stock opened, he applied for 200 shares, or \$10,000. But as the act of incorporation, contained a prohibition against any persons receiving more than 100 shares, or \$5,000, on the distribution, he applied for 100 shares in his own name, and for 50 shares in the names of each of his two sons. He wrote to the commissioners apprising them that those subscriptions were for his

benefit, and he demanded the stock of them "as the amount agreed for with Perkins, at Albany." Perkins explained his contract with Brown, to the commissioners, and endeavored to induce them to carry it into operation. But they entirely, and with great propriety, refused to allot any stock to Brown, or to any one on his behalf. In consequence of this refusal, Perkins afterwards presented to the directors of the bank a claim for an allowance of \$500 to Brown, in compensation for his services, but the directors refused to make this allowance or any part of it.

After the bill to incorporate this bank had been reported by the committee of the Assembly, Perkins called upon Thurlow Weed, and made an arrangement whereby his aid was procured for the bill. The account of this transaction, given by Perkins to the committee, differs in some essential particulars from that which he has given on former occasions. To the committee he gave the following relation: That when he first spoke to Mr. Weed, the reply of the latter was, that there was no chance for the bank, as he did not think they would reach it, it was so late in the session. To this suggestion, Perkins replied by expressing a desire to have Mr. Weed interested in the bank, and by promising that if it was chartered, Mr. Weed should have \$5,000 of the stock, and Perkins says he then expressed an opinion that the stock would be worth 10 per cent advance, so that the amount to be realized by Mr. Weed, would be \$500. When the bill came up for its final passage, Mr. Weed exerted himself in its favor, and told Perkins that he had spoken to his friends who were members of the Legislature, and that they were friendly to the application. Weed mentioned the names of the persons to whom he had spoken, but Perkins could not recollect them.

When the subscription books opened, \$5,000 of the stock were applied for in the name of Nicholas Devereau, of Utica, but for the benefit of Mr. Weed. The amount to be paid to the commissioners, on making this subscription, was \$500. That sum was paid by Perkins from his own funds, and he explained to the commissioners for whose benefit that subscription was. No stock was, however, allotted to that subscription. At the time the subscription was made, and before the final distribution, Mr. Weed told Perkins that he wanted money, and wished him to take that stock and allow him 10 per cent, or \$500, for it. An arrangement was

then made, in consequence of which Mr. Weed drew upon Perkins for \$500, and the draft was paid.

This is the history of this transaction as now given by Perkins to the committee. He denies that he ever guaranteed the stock to be worth 10 per cent to Mr. Weed, or that he ever told any person that he had done so. While four of the commissioners distinctly state that he told them that he had promised that stock to Mr. Weed, and had guaranteed that it should be worth 10 per cent, or in other words, that he had promised to give Mr. Weed \$500 for his aid to the bill. His subsequent conduct shows that this was then his understanding of the matter. He paid 10 per cent for that stock, when it appears that he sold his other stock for a lower price. He paid that sum for stock which Weed did not then own, and for aught he knew, might never have, to transfer to him. And he afterwards showed Mr. W.'s draft to the commissioners and directors, and presented to them a claim to be allowed by the bank, the \$500 he had thus paid to Mr. Weed, and frequently urged the directors to pay it, and he stated to the commissioners that he had made this arrangement for the purpose of procuring Mr. Weed's influence with members of the Legislature, or as he expressed it to some of the commissioners, for the purpose of procuring "his influence with the anti-masonic members." He also told some of the directors that if they did not pay that draft, he should lose it. While he intimates to the committee that he has still a claim against Mr. Weed for that amount, which the latter admits to be valid. From these facts, the Senate can judge whether this transaction is one, where influence for a bill pending before the Legislature has been purchased by the applicant, or whether it will bear the construction which Mr. Perkins now seeks to put upon it, that of an ordinary transaction of a broker in buying stocks. If the latter, it has one feature, which does not ordinarily belong to such operations, that of his purchasing stock which he knew the seller did not own and could not sell, and taking upon himself the risk that the seller might never get it. But whatever construction the facts may warrant, the committee hardly deem it necessary to express their confidence, that neither of the parties to this arrangement were warranted in using the names of members of the Legislature in the manner they took it upon themselves to do.

After the other testimony closed, an opportunity to give any explanation he saw fit, was afforded by the committee to Mr.

Weed. He came before the committee and handed them his explanation in writing, hereto annexed, marked S, to the truth of which he made oath, and he added other things as will appear in the testimony reported. It will be seen, that his relation of the transaction differs from that given by Perkins, in several particulars. The most important is, his allegation that as soon as he ascertained that no stock had been allotted to him, he offered to return the \$500 to Perkins. The committee do not, however, feel themselves called upon to detail in any very special manner, these various discrepancies, nor to attempt to reconcile them. It is sufficient to know, that as to the main facts of this transaction, there is no dispute between the witnesses.

The next transaction which is disclosed by the testimony, is that in which Garret Gilbert and others, appear as the actors.

Perkins, while at Albany, was a lodger in the same hotel with Mr. Nathan T. Arnold, formerly a member of the Assembly from the city of New-York. He discovered that Mr. Arnold was making some opposition to this bill, and he "quieted" that opposition by offering to Mr. Arnold \$5,000 in the stock of the bank. In a few days after this, Garret Gilbert, Levi Kidder, John F. Adriance, and Nathan Darling, of the city of New-York, visited Albany together, and a negotiation soon commenced which resulted in Perkins' entering into a sealed obligation, whereby he agreed to "furnish Garret Gilbert \$30,000 in the stock of the 7th. Ward bank, at par value, (provided the bill to incorporate the bank should become a law,) either in the original distribution of the stock or immediately thereafter, Gilbert to pay the amount required upon each share to the original subscription." This paper was drawn and witnessed by Mr. Kidder, and although in Gilbert's name alone, was for the benefit of Messrs. Gilbert, Arnold, Darling, Kidder, and Adriance. It would have yielded to these gentlemen, at the estimated value of the stock, from \$1,500 to \$2,250. That, therefore was the sum which they were to receive for withdrawing their opposition to the bill and aiding its passage. They rendered to it such assistance as they were able, and when the subscription books were opened, they applied for their \$30,000 of stock, but the commissioners refused to allot any to them.

There is one thing connected with this transaction deserving particular notice. The information that Gilbert and his associates

were opposing his application, seems to have been first conveyed to Perkins by a member of the Assembly, and was accompanied by a hint from that member, that these men wanted a promise of stock, and with advice that it was better for him to make his peace with them. And afterwards, when the contract was reduced to writing, Perkins refused to sign it until he consulted his friend. That friend was the same member of Assembly, who if he did not directly advise Perkins to enter into the written contract, was present at the time it was executed, entered the room where it was signed in company with Perkins, remained until the completion of the business, and at least did not object to this mode of carrying into effect his previous advice to make peace.

That member of the Assembly, it appears, was Mr. Reuben D. Dodge, of Seneca county. Not being now a member, the committee did not deem it within the scope of their duty to call upon him for an explanation of conduct so novel and extraordinary. But they cannot withhold the expression of their surprise, that any member of the Legislature could so far lose sight of the respect due to his station, as to be present at and consenting to, so unjustifiable a proceeding. Mr. Dodge afterwards applied for \$5,000 of the stock, in another name, through Adriance and Perkins, but it was very properly refused to him.

It will be observed, in the account which Perkins rendered to the bank, that he had a claim for "cash p'd different persons, \$400." That claim was composed of \$150, which he had advanced at different times during the session to John D. Brown; \$64 to Mr. Arnold; \$50 to Mr. Belding, of Sullivan, and of various small expenses during the winter. For the sum paid Mr. Arnold, a note was given payable on demand; but for the other sums, no evidence of the debts were taken or required by Perkins. He says distinctly, that no part of that money was paid to members of the Legislature, and he seeks to give to the advances to Messrs. Brown, Arnold, and Belding, the character of an ordinary loan from his own funds. But if such is the construction properly due to this transaction, it will seem singular that he should have parted with his money so freely to men with whom he had never had any previous dealings, one of whom he knew to be insolvent, and of the responsibility of the others he knew nothing and made no inquiries; and equally singular that he should have taken, in two of the cases, no evidence whatever of his claim against them, that his "loans" should be

made only to persons whose aid to his bill he had contracted for, and that he should afterwards have claimed of the bank, a repayment of that money. If it was an ordinary loan from his own funds, he could not with any propriety seek to charge the bank with it. If, however, it was a purchase of lobby influence, he could have some pretext for demanding a repayment by the bank, while the directors could, with greater propriety, (as they did,) utterly refuse to sanction a transaction which they had never authorized, and which was as degrading in its character as it was corrupting in its influence.

A history has thus been given of all the "practices resorted to" for the purpose of procuring the act of incorporation, as far forth as they have come to the knowledge of the committee. Hitherto, Perkins seems to have been the dupe of those, who played upon his fears, that they might reap advantage from his means. He was a stranger to the mode of conducting such applications, and he was easily excited by the opposition of individuals, who had occupied respectable stations in community, and who exhibited to his view, an apparent intimacy with members of the Legislature, which he was readily led to believe could be directed against his application. A proper sense of what was due to the character of the Legislature, would have enabled him to avoid the snare in which he was too willingly caught. His ignorance and inexperience may afford some apology for him; but they will not help those who appear to have bargained away their influence and made a traffic of their characters. For such men the committee can find no satisfactory excuse.

The committee do not mean to be understood as applying these remarks to gentlemen who visit Albany, solely with a view of urging a particular claim, and who confine themselves to that business; though the committee are free to confess, that in their opinion, even this practice is carried too far, inasmuch as it may give rise to the imputation, that the members sometimes yield to importunity, what they would deny to justice. It would, perhaps, be better generally, to permit applications to rest entirely upon their merits, and upon such considerations as their immediate representatives can properly suggest. But the committee cannot sufficiently condemn the practice, to which some men have resorted, of "hiring themselves out" to aid any particular application in which they have no interest, farther than their miserable stipend, and the

practice of lending their assistance to any and every application which will purchase their support. Such men boast of influence which they do not possess, and make what little they may have a subject of traffic, rather than a proper furtherance of just and meritorious claims. They surround the Legislature with a dangerous and corrupting atmosphere, and by their operations, subject members to unmerited imputations upon their integrity. Fortunately, the moral sense of the community is such, that no man can engage in such practices, with safety to his character. It only requires an expression of the unqualified disapprobation of the Legislature, to cause an entire end to be put to them. And this is the more necessary at this period, when the great number of applications for monied incorporations, requires the utmost care to preserve that purity of legislative character which can alone command the confidence of our constituents.

This consideration is entitled to additional weight from the fact, that the men who are so ready to prostitute themselves, are equally ready to sell the votes of members of the Legislature, and for the purpose of enhancing the price of their aid, to speak of their influence with certain members, with whom in many cases they have no acquaintance, and whom they never venture to address in regard to their applications. At the same time, they throw around their operations such a veil of secrecy, that those members whose names are thus unwarrantably used, are forever ignorant of it. They are thus at times successful, when any knowledge of their transactions would not only result in the prompt rejection of their applications, but in merited condemnation of the actors in such scenes. And the committee are well aware, that if the conduct which has been disclosed on this investigation, had been known at the time, this application would have shared the fate of others, whose operations were sufficiently known to draw upon them deserved and instant defeat. Hence the necessity of great caution on our part, and hence the propriety of visiting such conduct with our marked disapprobation.

The attention of the committee was next called by the resolution, "to the acts of the directors or commissioners in confirmation of such practices." The committee understood their duty to be thus confined, and that they were not at liberty to inquire into the distribution of the stock or the organization of the institution, any further than was necessary to elucidate this point. They were

aware that complaints had been made of the manner in which the commissioners had discharged their duty in relation to the general distribution; but that was, in the view of the committee, a matter from which they had been restricted by the spirit of the resolution, and by the declared sense of the Senate.

So far then as their inquiries extended, the committee found much to applaud in the conduct of the commissioners. It was, however, a source of regret to find that any of the commissioners had deemed it necessary to employ Perkins, or any agent at all; and still more, that they had thought proper to enter into an agreement, whereby he was to have a certain amount of stock for his services. Yet their mode of performing this agreement was creditable to them. They refused to violate, even indirectly, the provision which prohibited a distribution of more than five thousand dollars to one man; but purchased in market, and at an advance of seven hundred and fifty dollars, sufficient to let him have the stipulated amount. With this exception, the action of these gentlemen was commendable.

As soon as the arrangement with Brown became known, they refused to allot any thing to him directly or indirectly. The application of Weed shared the same fate; and the commissioners at once erased the whole subscription of Gilbert, Arnold, Darling, Adriance and Kidder, from their books. One of them, (Mr. Whiting,) as soon as he was apprised of the agreement, denounced it as a "rotten, rascally concern," and declared they should not have a cent of the stock. When the draft of Weed was presented to them, they refused to have any thing to do with it; and thus, through the firmness and integrity of the commissioners, the bank passed into the hands of the directors, without any confirmation of the disgraceful and unauthorized contracts of Perkins.

It is true that Perkins avers that Capt. Morgan and Mr. Whiting were both apprised of his arrangements, and approved of them. But as far as regards Mr. Whiting, this story of Perkins is contradicted by the testimony of Whiting, by his own testimony before the committee, and by his declaration to the other commissioners during the progress of this investigation; and the evidence before the committee, in their view, shows that Mr. Whiting never did either participate in or sanction any of Perkins' arrangements. Mr. Morgan, on the contrary, admits, that on the day the bill final-

ly passed, he was informed by Perkins, that some stock had been promised to Arnold and others, to induce them to withdraw their opposition to the bill. He then owed it to himself and to the Legislature, to have inquired at once into the particulars of such promise, to have disavowed it, and to have made it public. He did not do so. Still it is due to him to say, that he denies in the most unequivocal manner that he ever authorized Perkins to make such arrangements, or that he ever ratified any of them; and he and the other commissioners all unite in saying, that none of those engagements of Perkins were ever confirmed in any manner by them. Mr. Morgan goes yet farther, and alleges that he cautioned Perkins in the outset, to avoid the lobby; and warned him, if he did not, he would be instantly discharged. On the other hand, Perkins appeals with some confidence to his letters to Morgan, (which are reported with the testimony,) as evidence that Mr. Morgan was apprised of his arrangements, and, as he alleges, that he did indirectly assent to them; and it may well be questioned whether he did not, by his conduct, permit Perkins to believe that his operations met his approval.

Five of the seven commissioners were chosen directors; and the board of directors seem to have been as hostile to the contracts of Perkins, as the majority of the commissioners had been. He presented to the directors a claim to be allowed the \$500 he had paid Mr. Weed, the \$400 he had paid other persons, and \$500 on behalf of Brown, besides a large claim on account of his personal services and expenses. On the latter he finally received the sum of \$500, but the three former were all rejected.

Thus far, nothing has occurred to implicate any member of the Legislature in any manner, except Mr. Dodge. But when the stock had all been subscribed for, and the commissioners were conferring upon its final distribution, Perkins appeared before them with a paper, which is annexed to this report, marked D. It will be seen that that paper contains, in one column, the names of persons for whose benefit stock had been applied for; in another column, the names in which the subscription was made; and in other columns, the number of shares, and amount thereof in dollars. On that paper, the names of several members of the Legislature appear. When he presented this paper, he gave the commissioners an explanation of it. To some he said that he had solicited members to subscribe, and he wished them to have stock; to others, that he

had promised stock to those members; and to one, he said that he had pledged the stock on that paper, and that if he had not, he would never have got the bill passed. Here was matter seriously affecting the character of the Legislature, and the committee therefore were particular and minute in their inquiries in regard to it.

Perkins denied, in the most explicit manner, that he had ever promised any stock to any member of the Legislature, either before or after the bill passed; or that he had any understanding, directly or indirectly, with any member, before the passage of the bill, that they should have any stock. During the first examination of Perkins before the committee, the existence of that paper was unknown to them; and before his second examination, they examined every member of the present Legislature, whose name appeared in that paper; and then they re-examined Mr. Perkins. There was no discrepancy between their testimony and his in this respect, and nothing to justify the suspicion that the votes of either of those members had been improperly obtained, or that their action had in any manner been influenced by the hope of gain from that source. Messrs. Childs, Russel, Kittle, W. M. Patterson, I. C. Baker, Akin and Goslee, of the late House of Assembly, applied themselves for stock. The three latter only succeeded in obtaining any. Mr. McDowell, of the Senate, did not apply for any. He reluctantly, and after much importunity, consented that Perkins should use his name; he never made any application himself; he paid no money; he did not receive any stock, nor did he know, until this investigation, that any had been allotted to him. That which was thus allotted, he never had any thing to do with, but Perkins took it and disposed of it as his own; so that it was, in fact, the subscription of Perkins for his own benefit. Mr. Quackenboss, of the Senate, wrote to one of the commissioners, soliciting a distribution of stock to his partner; but he did not apply for any himself, nor has he at any time owned any. Having removed to New-York since the last session of the Legislature, and engaged in business there, his firm has had an active account in the bank since.

Mr. Hubbard, of the Senate, did not subscribe or authorize any one else to subscribe for any stock in this bank. At Perkins' request, he consented that Perkins might apply for stock in the Schenectady and Utica rail-road, in his name, and Mr. Hubbard would in exchange receive some of the stock in this bank; but none was allotted in the bank. The names of Mr. Wescott, of the Se-

nate, and of Messrs. Lockwood and Van Duzer, of the Assembly, were used by Perkins entirely without the knowledge or consent of these gentlemen. This fact he states himself. In addition to that, Mr. Wescott says, that when Perkins solicited him to subscribe, he utterly refused, and gave as his reason, that he had made up his mind not to subscribe for any stock while he was a member of the Legislature, and particularly in a bank for which he had voted. Mr. Lockwood received a letter from Perkins, soliciting him to subscribe; but Mr. Lockwood never answered the letter, nor did he subscribe or authorize any one else to subscribe for him. On the other hand, when spoken to by one of the commissioners, during the distribution, he averred that he had never applied for any, and did not want any.

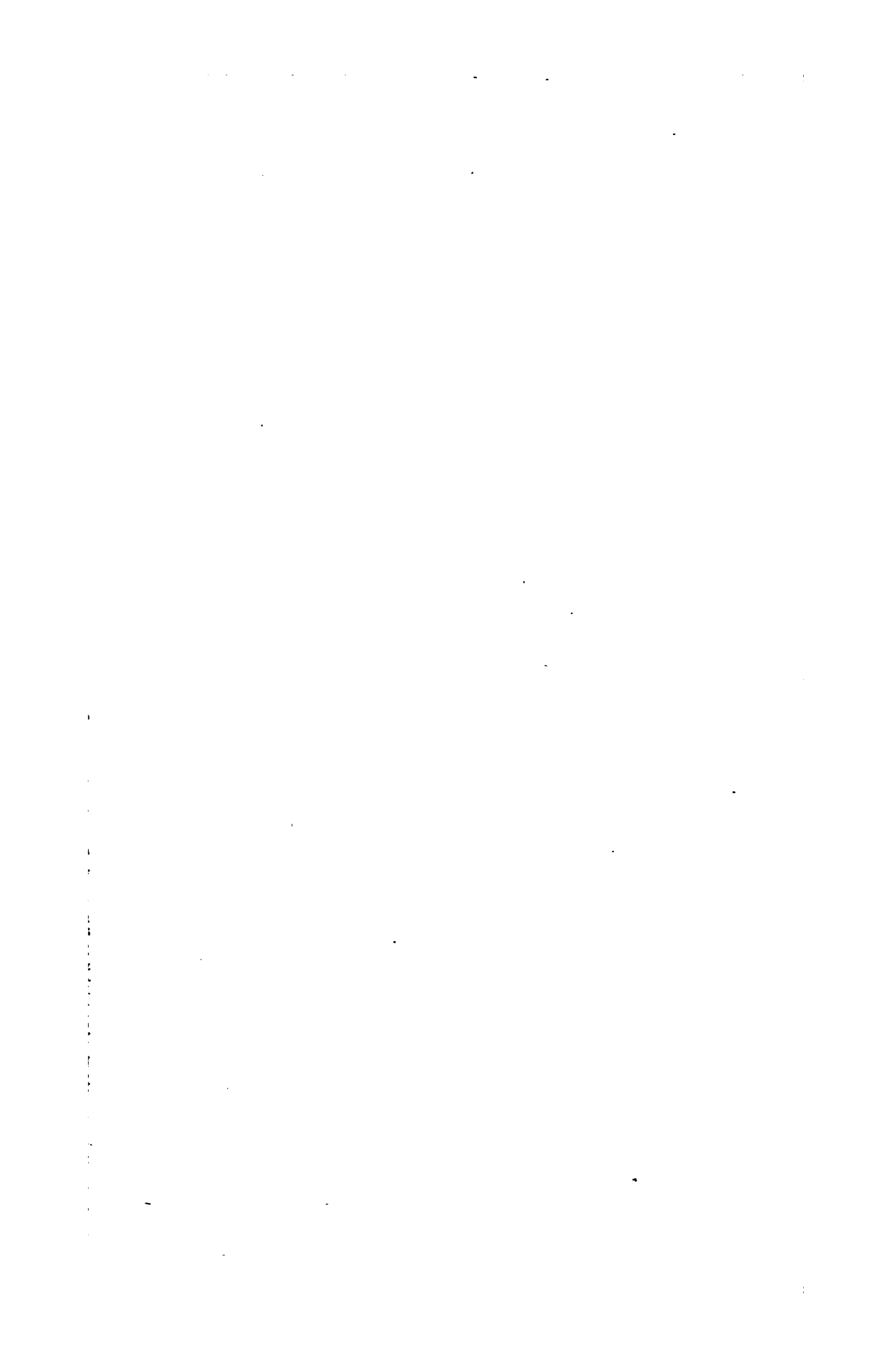
The Senate will observe on that paper, one matter which attracted the attention of the committee. Twenty thousand dollars of the stock were applied for under four names, viz: Butterworth, Cammon, Hosack, and Wolf, and opposite these names, Perkins wrote these words, "names can not be mentioned." When asked by the commissioners what this meant, he refused to tell, but contented himself with saying, that he had promised that stock; that he would not mention to whom, that he would lose the stock first; but that the commissioners ought to have confidence enough in him to allot it. They, however, refused to do so, and could not give any explanation of the matter, except their suspicion, that it was a mere trick of Perkins to get stock for himself. Such turns out now to be the fact, for Perkins, in his second examination, admits that he made the subscriptions in these four names, and used the names of Messrs. Westcott, Lockwood, and Van Duzer, for the purpose of deceiving the commissioners into allowing him more stock than he otherwise expected to receive.

Hence it appears, not only that Perkins was induced by his apprehensions to purchase assistance to his bill, by means of contracts of a highly reprehensible character, but that for the purpose of advancing his own interests he has used names of members of the Legislature without their knowledge or consent, and has made assertions in regard to them, which were without any foundation in truth.

It is to be hoped, that he at least will not soon renew his operations about the Legislature, and that the disclosure of his conduct

will impress upon every mind, the necessity of discountenancing every such practice.

The committee having gone through with an examination of the testimony before them, do not know that they can recommend any action of the Senate upon the case as it is presented, further than to give full publicity to the whole investigation, as thus the Senate will evince its condemnation of proceedings like those now disclosed, and the public will have an opportunity of properly estimating the characters of men, who seem to have been induced by the hope of gain to bring their influence into open market, and to put their reputations up at auction.



DOCUMENTS.

PROCEEDINGS

Of the committee on Banks and Insurance Companies relative to the Seventh Ward Bank.

Pursuant to the following resolution:

"STATE OF NEW-YORK.

" In Senate, January 13, 1834.

" Resolved, That the committee on banks and insurance companies inquire into the practices resorted to by the commissioners, or agents, or any of them, of the Seventh Ward Bank, in the city of New-York, for the purpose of procuring its act of incorporation; into the acts of its directors or commissioners, in confirmation of such practices; and generally into the mode and manner in which its act of incorporation was obtained, and the institution organized; and that for this purpose the committee have power to send for persons and papers.

" Ordered, That the Clerk deliver a copy of said resolution to the chairman of the committee on banks and insurance companies.

"JOHN F. BACON,
" Clerk."

The committee on banks and insurance companies met at the City Hotel on Tuesday, January 21, 1834.

Present—**Mr. EDMONDS,**
Mr. STOWER.

James Perkins, of the city of New-York, being duly sworn, says, he attended at Albany last winter, as an agent for the applicants for the Seventh Ward Bank, of the city of New-York. Attended in the first place at the request of capt. James Morgan. Returned home, and was then employed as such agent by the applicants at a meeting, attended by James R. Whiting, James Morgan, Abraham Dally, and one or two others, whose names he does not now recollect.

Witness is engaged in the exchange business as a broker, and has an office in Wall-street. He was to receive payment of his expenses for attending to the application at Albany, whether the

application was successful or not. And if it was successful, he was to receive \$20,000 of the stock of the bank, as a remuneration for his trouble. Witness made this agreement in the first place with capt. Morgan. Witness drew up an article, containing the particulars of this agreement, which witness gave to capt. Morgan, and capt. Morgan was to have it signed by Mr. Whiting and himself, and forward it to witness at Albany. But that paper never was returned to the witness. This agreement was not made with any other of the commissioners or applicants than capt. Morgan.

This agreement was first made with Morgan in reference to the application for the East River Bank; but that application had been reported against by the committee of the Assembly two or three days before witness arrived at Albany. And the same agreement was afterwards continued between witness and capt. Morgan in reference to the Seventh Ward Bank. There was nothing in the agreement restricting the expenses of witness to any particular object; but that was left to his discretion, as he understood. Witness was at Albany as such agent from seventy to ninety days.

Witness incurred expenses for his board, and for a supper which he gave after the bill had passed, the expense of which supper was about \$620, as he now thinks.

When witness first left New-York on this business, on the 8th of January, capt. Morgan paid him the sum of fifty dollars, and the like sum afterwards on the 8th of March, and the like sum on the 23d of March. This latter sum was received on a draft upon capt. Morgan. Witness on the 6th of April following, drew on Morgan for the sum of two hundred dollars, which was paid; and after the bill incorporating the bank had passed the Legislature, witness drew on capt. Morgan for the sum of seven hundred and ninety-four dollars and forty-four cents, which also was paid by Morgan; making a total received by witness of Morgan, of eleven hundred and forty-four dollars and forty-four cents. Witness afterwards, and on the 9th December, 1833, received from the bank the further sum of five hundred dollars, for which he gave the receipt, a copy of which is hereto annexed, marked A. These sums are all that witness ever received on account of his said agency.

There was no other person attending at Albany as the agent for the Seventh Ward Bank.

John D. Brown came up to Albany at the same time that witness did, and remained at Albany until near the close of the Legislature. Witness asked him to aid in this application, and promised him that if he would do so, he, (Brown) should have \$10,000 of the stock. Witness did not promise Brown that he would give him or secure to him that amount of stock, but promised that he would use his influence with the commissioners to procure that amount for him; and witness told Brown that he had no doubt they would give it to him.

Witness had never been at Albany before, and being an entire stranger here, but knowing Brown, he supposed Brown might aid him, and therefore he applied to Brown. Brown applied to the commissioners for \$10,000 of stock, but did not get any, as he un-

derstood. This arrangement between witness and Brown was entered into soon after witness first visited Albany.

Nathan T. Arnold, of New-York, was at Albany during the greater part of the last session. Witness found him at Albany when he came up. And as soon as the bank committee of the Assembly reported the bill, he commenced his opposition to the Seventh Ward Bank, and frequently disputed with witness about it. And one day after a dispute between witness and Arnold about the application, Arnold came to witness and said that he opposed it because of the names of William S. Coe and Abraham Dally being in the commission. Witness told Arnold that there was no use of his opposing the application; that he would make him interested in the application, and witness then promised Arnold that he should have \$5,000 of the stock. This quieted Arnold, and he withdrew his opposition to the bill.

After this arrangement Nathan Darling, John F. Adriance, Levi Kidder and Garret Gilbert, came to Albany from New-York together. Within a day or two after their arrival witness was informed by several persons, that those four persons were opposing the Seventh Ward Bank. Reuben D. Dodge, esq., a member of the Assembly from Seneca, informed witness that those four persons were opposing the application, and he informed witness that those men wanted stock, and he advised witness to make his peace with them. And witness then made a contract with Gilbert, to give him and Messrs. Darling, Adriance, Kidder, and Arnold, \$30,000 of the stock of the bank. Gilbert first demanded \$50,000, but finally consented to accept the \$30,000. Mr. Dodge was present at the making of this contract, but had no part in it. A day or two after this Mr. Gilbert told witness he wanted a written contract for this \$30,000 of stock, and presented witness a paper to that effect, which witness signed and delivered to Mr. Gilbert. The purport of this agreement in writing was, that if the Seventh Ward Bank was incorporated, Messrs. Gilbert, Darling, Arnold, Kidder and Adriance should have \$30,000 of its stock.

When the subscription books of the bank were opened the \$30,000 of the stock was applied for in the following manner: One general application was made for the whole, headed "Garret Gilbert & Co.," but applied for in the names of John Groshon, John F. Adriance, John Flint, William Bruce jun., Levi Kidder, Elias Arnold, Robert A. Thorp, E. H. Wentworth. Peter C. Matthews, and Daniel E. Tooker, sixty shares each.

JAMES PERKINS.

The deposition of James Perkins was read to and signed by him, and then the committee adjourned.

Wednesday, Jan. 22, 1834.

The committee met.

Present—Mr. EDMONDS,
Mr. STOWER.

The examination of James Perkins being continued, he says, that he solicited all the commissioners to grant the \$30,000 stock above mentioned, and told them that he had made an agreement with Messrs. Gilbert, Arnold, Darling, Kidder and Adriance, that they should have that amount of stock; and that he had made such agreement for the purpose of inducing those five persons to withdraw their opposition to the bill, and instead thereof to aid the passage of the bill. At first, witness understood the Commissioners to consent that that stock should be distributed to those five persons; but the commissioners finally refused to allot any stock to them, or to any one on their behalf. These persons told witness, while the bill was pending before the Legislature, that they had influence which they could bring to bear for or against the application, enough to kill it. And after his agreement with them they aided the application, and as witness thought, influenced some votes in its favor, which they had previously prejudiced against it.

After witness had made his agreement with John D. Brown, witness told Messrs. Morgan and Whiting, that he had employed Brown to aid him, and they both told witness that his pledges should be confirmed. He did not mention to either of them the particulars of the agreement, but he began to tell Morgan those particulars, when Morgan interrupted him, by saying that he was a commissioner, and he did not wish to know any thing about it; but witness' pledges should be redeemed.

When Gilbert and his associates commenced their opposition to the bill, witness wrote to Morgan informing him of it, and saying to him that he supposed they wanted some stock promised to them, to which Morgan returned an answer, that witness must be cautious what promises he made, but at all events get the bank. But before this answer was received by witness, he had made the agreement with them. Before the bill passed, witness told Mr. Whiting that he had engaged Brown to aid the application, and that he had found it necessary to make Gilbert and his associates interested in the bank, in order to induce them to withdraw their opposition, to which Mr. Whiting assented; but witness did not tell Whiting how much stock those individuals were to have.

After the bill passed, and before witness left Albany, he solicited Mr. Dodge of the Assembly, and several other members of the Legislature, to apply for some of the stock of the bank. About the time the books for subscription opened, witness received a letter from Mr. Dodge, saying that he had sent money to Mr. Adriance to subscribe for some stock, the amount sent was \$500, to subscribe for one hundred shares; and requesting witness to see that the commissioners understood whose subscription it was.

Witness did apply for that stock in the name of Charles Oakley, but for the benefit of Mr. Dodge; and explained to the commissioners who the subscription was for, but they refused to allot any to the name of Charles Oakley. Witness also made application for stock for some other members of the Legislature in the same manner, and the result was the same. But witness never made any agreement, directly or indirectly, or had any understanding, express or implied, with any member of the Legislature before the passage of the bill, ~~that they should have any stock whatever in the bank.~~

Witness subscribed for his \$20,000 of the stock in ~~four different~~ names, and explained to the commissioners, in whose names he had thus subscribed. The commissioners allotted one hundred shares to witness, but refused to allot the other three hundred shares to him; but the commissioners afterwards went into the market and bought three hundred shares, for which they paid the market price of five per cent advance and the commission, and transferred the same to witness.

After the bank was organized, witness presented to the directors a demand for his services and expenses, the account whereof is hereto annexed, marked B. This bill was a general statement of his demand, but did not enter into the particulars. The sum of \$400 thereon charged as "cash p'd different persons," was made up of the following items, viz: The sum of sixty-four dollars loaned to Nathan T. Arnold on the 27th March, 1833, for which witness took Arnold's due bill, which he has yet, payable on demand. This was loaned after the aforesaid agreement had been made between witness and Arnold. Witness accepted the draft of John D. Brown for one hundred dollars, and afterwards loaned him the further sum of fifty dollars, which two sums are included in the above sum of four hundred dollars; but witness did not take from Brown any obligation for the re-payment of either sum. Witness also loaned to George D. Belding, of Sullivan county, who was attending the Legislature for some application, the sum of fifty dollars, for which also witness took no obligation, and that made a part of the four hundred dollars. The remaining part of the four hundred dollars was composed of various small expenses during the winter.

None of these sums were advanced to these persons under any agreement that it was to be in payment of their services for the bank, but it was charged to the bank by witness because it was money expended by witness while he was acting as their agent.

The five hundred dollars in that account, charged as "paid Thurlow Weed," arose under the following circumstances: At the early part of the session, and after the Seventh Ward bill had been reported, witness called on Mr. Weed, and told him he wanted his services for his bank. Mr. Weed replied that he should be happy to serve witness, but there was no chance for his bank, as he did not think they would reach it, it was so late in the session. Witness then told Mr. Weed, that he should like to have him (Weed) interested in the bank, and that if the bank was chartered Mr. Weed should have one hundred shares, or \$5,000, of the stock.

and witness also told him that he had no doubt the stock would be worth ten per cent advance. Witness did not guarantee that the stock should be worth that sum, nor does witness recollect that he ever told any one that he had guaranteed it to be worth that sum to Mr. Weed. Mr. Weed replied to witness, that he had never subscribed for any stock all the time he had been an editor, but he said he would like to be interested in this bank. When the bill came up for its final passage, Mr. Weed exerted himself in its favor, and told witness that he had spoken to his friends in relation to the application, and that they were friendly to it. Mr. Weed mentioned the names of several persons, to whom he had spoken, but witness does not now recollect their names. They were, however, members of the Legislature, as Mr. Weed informed witness.

After the bank was chartered, and about the time the books for subscription were opened, Mr. Weed visited New-York and applied for five thousand dollars of the stock, in the name of Nicholas Devereaux, of Utica. He applied to the commissioners in Mr. Devereaux's name. After his application was made, and before the distribution of the stock, Mr. Weed told witness that he wanted money, and asked witness if he would not take his stock and give him \$500, or ten per cent on his stock. Witness told him he would, and that if Mr. Weed, when he got home, found that he wanted money, he might draw upon witness for the \$500. Mr. Weed accordingly did draw upon witness for \$500, at ten days sight, which witness paid at the Mechanics' bank, in New-York. On the same day that he paid the draft, and before the commissioners had finished their distribution, witness told them that he had promised Mr. Weed \$5,000 of the stock, and also explained to them his transaction with Mr. Weed, as he has above related it. Witness at the same time showed Mr. Weed's draft for the \$500, to the commissioners, and asked them to allot the stock subscribed for, in the name of Mr. Devereaux, to witness. The commissioners then agreed to do so, but afterwards refused to do so, or to allot any stock on account of that subscription, but Capt. Morgan afterwards told witness that the commissioners would pay him the five hundred dollars he had thus advanced to Mr. Weed; but witness was not present at any time when the commissioners were engaged in the distribution of the stock. Neither the commissioners nor the directors of the bank, ever repaid to witness that sum or any part of it, although witness has frequently requested them to do so. Nor have the commissioners or directors ever repaid the four hundred dollars above mentioned, but did not specifically object to that charge. There is now due to the witness about the sum of one thousand dollars, which the directors and commissioners have refused to pay, and which includes those sums of \$400 and \$500.

About two or three months ago, witness told Mr. Weed that the commissioners had refused to pay him the \$500, and witness should lose it, to which Mr. Weed replied that he would refund it to witness; but he has never done so, nor has witness called upon him to do so.

The members of the Legislature, for whom witness applied for stock, were Mr. Hubbard and Mr. McDowell, of the Senate, Mr. Montanya, Mr. Conklin, Mr. Aikin, Mr. I. C. Baker, Mr. Childs, Mr. Dodge, Mr. Gozley, Mr. Mersereau, and Mr. Russell, of the Assembly. In every instance, these gentlemen applied for the stock at the solicitation of witness, after the bank was chartered, and in no instance did witness exchange a word with either of these gentlemen, or have any communication with them, or either of them, directly or indirectly, in reference to their subscribing for stock, before the bill passed; but witness told the commissioners that he had solicited these gentlemen to apply for stock, and he felt bound in honor to see that they got it.

JAMES PERKINS.

The whole deposition of Mr. Perkins, was read to him and corrected, and signed by him, and the committee adjourned.

Thursday, January 23, 1834.

Committee met.

Present—Mr. EDMONDS,
Mr. STOWER.

In consequence of the continued absence of Mr. Armstrong, Mr. Edwards was added to the committee, and took his seat during the examination of Mr. Whiting.

James R. Whiting, of the city of New-York, being sworn, says, that he was one of the commissioners named in the bill incorporating the Seventh Ward bank, and spent some time at Albany, last winter, upon that subject. Was at Albany three or four times during the winter; never staid more than about five days at a time. James Perkins was the only man employed, to witness' knowledge, as an agent for this bank. He had first been employed by Mr. Morgan, as an agent for the East River bank, and had visited Albany in reference to that application, and witness never knew Perkins until after the return of Perkins from this his first visit to Albany, when Perkins was introduced to witness by Mr. Morgan, and recommended as a suitable man for the business.

At one of witness' visits to Albany, and he thinks after the bill had been reported by the committee of the Assembly, Perkins told witness that he expected opposition to the bill from Gilbert, Arnold, and others, of the lobby, and Arnold was particularly opposed to Messrs. Coe and Dally; that they put up at the same house with him, (Perkins,) and he expected to be able to put it down; but Perkins did not in any manner, or at any time, before the final passage of the bill, inform witness that he had employed John D. Brown to aid the passage of the bill, or had made any arrangement with Messrs. Gilbert, Arnold, and others, in order to procure a withdrawal of their opposition. Witness told Perkins that there was nothing to apprehend from the opposition of these men, that they could do nothing if they would, to injure any application, because their characters and standing were well known; and witness

urged Mr. Perkins to have nothing to do with any other application, but attend solely to this, and place it only on its merits. And at the time the bill finally passed, witness had had no knowledge, information or suspicion that any arrangement had been made with any person whatever, not connected with the application originally, to aid its passage through the Legislature, whereby they were to be benefitted directly or indirectly, by the distribution its stock, except the arrangement made with Mr. Perkins, that he was to have \$20,000 of the stock for his services, and which had been previously communicated to witness by Mr. Morgan.

Question. When did you first learn that stock had been promised to John D. Brown?

Answer. Certainly not till after the bill passed; and my impression is, that I did not in any manner hear of it until I found his name, and the names of his two sons, on the subscription book, and after that I received from Mr. Brown the letter hereto annexed, marked C. After the receipt of that letter, Mr. Brown called upon me, and insisted upon it that Mr. Perkins had made the arrangement with him; and he considered Perkins authorized to make such arrangement, because he was acting as the agent of the bank: To which I replied, that Perkins had no such authority. I did not then believe that any such arrangement had been made with Perkins.

Q. Was any stock allotted to Mr. Brown, or to the names of Thomas J. Brown and John G. Brown?

A. None whatever, either directly or indirectly, to my knowledge.

Q. When did you first learn that any stock had been promised to Gerrit Gilbert and others?

A. After the bill had finally passed the Legislature, and after Mr. Perkins had returned to New-York, Mr. Perkins met me in the street, and told me that he had given an obligation to Gerrit Gilbert and others, by which he had promised them 30,000 dollars of the stock, for the purpose of buying off their opposition; and he expected that the commissioners would see that his agreement was performed. To which I replied, that he ought not to have given such a paper; and I asked him why he had not informed me of it before? To which he answered, that he supposed it would not do, as I was one of the commissioners. I then told him, that it was a rotten, rascally concern, and they should not have a cent of the stock. To which he said, that they would then probably sue him; and I replied, that they could not recover of him, and I would defend him.

Q. Had you any farther conversations with Mr. Perkins in reference to this matter?

A. Yes; he frequently spoke to me about it, and urged me, as one of the commissioners, to allot the 30,000 dollars of stock to these men.

Q. Was that 30,000 dollars of stock subscribed for; and if so, in what manner?

A. It was subscribed for in separate letters, signed by ten persons,

to wit: John Groshon, John F. Adriance, John Flint, William Bruce junior, Levi Kidder, Elias Arnold, Robert A. Thorp, E. H. Wentworth, Peter C. Matthews and Daniel E. Tooker, sixty shares each; and I was informed by Mr. Perkins that those subscriptions were for that 30,000 dollars of stock.

Q. Was any stock allotted by the commissioners to those subscriptions, or either of them?

A. None whatever; they were all cut off, and their subscription money returned.

The witness then further proceeded to say, that the account hereto annexed, marked B. was handed to him by Mr. Perkins, with the request that he would submit it to the committee of the directors, and requested that it might be settled as soon as practicable. Witness handed it to the chairman of that committee. That committee had previously made a report to the board of directors, that Mr. Perkins did not render a satisfactory account of his demand, and therefore they requested to be discharged from its further consideration, which was agreed to, and the account remained unsettled. Afterwards the directors agreed to give him 500 dollars in full of his claim; and this was done in consequence of his constant importunity to the different directors, and in consequence of the belief on the part of the board of directors, that that sum was no more than sufficient to compensate him for proper and necessary expenses incurred by him while attending at Albany.

Q. Did Mr. Perkins give you any explanation of the four hundred dollar charge?

A. He never did until yesterday, and then only in part.

Q. Did the commissioners or directors at any time allow Mr. Perkins that sum?

A. They did not, but refused to do so. It was presented to the directors, and not to the commissioners, and disallowed by the directors. The committee of the directors made a report, from which the following is an extract, which is all that relates to the claim of Perkins:

"They have also received a bill from Mr. James Perkins, purporting to be in part personal expenses,

Amounting to	\$1,000
Draft of Thurlow Weed,	500
Demand of J. D. Brown,	500

\$2,000

For which, as he has neither vouchers nor authority to shew from the commissioners for employment of the above named persons, nor receipts for his expenditures, your committee would beg leave to be discharged from the consideration thereof."

Q. What explanation can you give of the item mentioned in that report, as a "Demand of J. D. Brown?"

A. It was, as I understood, a claim presented for Brown's services, in consequence of the commissioners having refused to allot any stock to Mr. Brown.

Q. Did the directors ever allow that charge?

A. No, sir.

Q. What explanation can you give of the item charged as a "Draft of Thurlow Weed?"

A. After the stock was subscribed for, and before it was distributed, Mr. Perkins told the commissioners that Mr. Weed was a subscriber for 5,000 dollars of the stock, in the name of Mr. Devereux; and that he had promised Mr. Weed he should have that amount of the stock for procuring the influence of the anti-masonic members for the bill, and asked the commissioners to allot that amount of stock to that name. Mr. Perkins frequently called upon me in relation to that stock; and on several occasions, informed me that he had assured or guaranteed to Mr. Weed that the stock should be worth ten per cent, and that upon the strength of that, he had paid Mr. Weed's draft of five hundred dollars, which he showed to me.

Q. Did the commissioners allot that stock, or any part of it?

A. They did not; and in consequence thereof, Perkins afterwards presented to the directors a claim for that sum, and asked to have it paid to him, alleging that if they did not pay it to him, he should lose it; but the directors refused to pay it, or any part of it.

Q. Did Mr. Perkins at any time present to the commissioners a paper, showing them in whose names he or Mr. Weed, or any other person, had applied for stock?

A. The paper hereto annexed, marked D, I saw in the hands of the commissioners, and learned from them and from Mr. Perkins, that it came from him. He may have handed the paper to me, but I do not now recollect it. The commissioners were under the impression, that the persons whose names appear on that paper, had authorized him to apply for stock for them, and they inquired of him particularly as to those persons who were members of the Legislature, and he told the commissioners that he had received communications from those persons, authorizing him to apply for stock for them. And he said also, that they had been induced to apply by his instigation, and he hoped they might get it. He told the commissioners that the name which appears on that paper as L. Weed, was Thurlow Weed, that the name there written as "V. Dam," was intended for Mr. Van Duzer, of Orange, and the name there written as "Ritten," was intended for Mr. Kittle, a member of the Assembly, from Rensselaer. I asked Mr. Perkins who the stock was for, that was entered on that paper as \$20,000 of stock for "names can not be mentioned." He refused to say who it was for, but said it was stock which he had promised, and which ought to be awarded without asking any particulars, but that if he could not have it, without disclosing the names, it must go, he would not mention the names. And the commissioners then refused to allot any part of that stock. The money received on those subscriptions was refunded by my checks, payable to the order of the persons in whose names the subscriptions were made, which checks are hereto annexed, marked E, F, G, and H, and the money on Devereux's subscription, was returned by the check hereto annexed, marked I.

Isaac Bicknell applied for 100 shares of stock in his own name, and before the stock was distributed, witness received a letter from Mr. Quackenboss, of the Senate, saying that that stock was asked for as a permanent investment; that Bicknell was his partner, and that he, Mr. Quackenboss, asked nothing, because he was Senator. Mr. Quackenboss had then recently moved to the city of New-York, and was then in business in Ferry-street, under the firm of Isaac Bicknell & Co. That firm has, since the bank commenced its operation, had an active account with the bank, and done a good deal of business there. The commissioners awarded 40 shares to Mr. Bicknell, which witness believes is still held by him.

There were 20 shares allotted to the name of G. G. Root, and one hundred subscribed for in that name. The balance of the deposit, being \$400, was returned by witness' check, payable to G. G. Root or order, and is annexed, marked J. Witness says he does not know who this G. G. Root is.

No stock was allotted to the name of Geo. S. Gilson, and the subscription money was returned by the check hereto annexed, marked K.

Stock was allotted to the following names, contained in paper marked D.

James Perkins,	100 shares,	.....	\$5,000
Alex. R. Thorp,	50	"	2,500
George G. Root,	20	"	1,000
G. A. Worth,	30	"	1,500
Wm. Seymour,	25	"	1,250
Isaac Bicknell,	40	"	2,000
I. C. Baker,	20	"	1,000
Dan. D. Aikin,	20	"	1,000
Henry Gozley,	20	"	1,000

Mr. Seymour and Mr. Aikin, applied personally to the commissioners, or one of them, for stock.

There were two subscriptions for stock in the name of Charles Oakley, one for \$5,000 and one for \$2,000. No stock was allotted to that name. The subscription money for the \$5,000, was returned on the check hereto annexed, marked L, and that for the other, on the check hereto annexed, marked M, which are both indorsed in the name of Charles Oakley, but in different hand-writings, as witness believes, and witness knows of one person only of that name, in the city of New-York.

J. R. WHITING.

William S. Coe, of the city of New-York, being sworn, says: That he was one of the commissioners of the Seventh Ward Bank, but he did not attend at Albany at any time in reference to the application. Has been acquainted with Mr. Perkins for several years, but did not know that he had been employed as an agent for the application until after the bill passed.

While the commissioners were together engaged in the distribution of the stock, he first saw the paper marked D, which came from Perkins, and heard his explanation of it. Perkins told the

commissioners that he had promised Weed one hundred shares of the stock, and had guaranteed that it should be worth ten per cent. The shares were fifty dollars each. Perkins said that he had promised Weed that with a view to get his influence for the bill. Perkins showed the commissioners a draft of five hundred dollars, drawn upon him by Mr. Weed, which he had paid, and said that Mr. Weed had been in town a few days before, and wanted him to give him the money rather than the stock, as he was very much pressed for money, and he had told Mr. Weed that he might draw upon him. Mr. Perkins also told the commissioners that Mr. Weed's subscription was in the name of Devereaux, and he wished them to allot \$5,000 of the stock to that name. He showed the draft of Mr. Weed to the commissioners, and wished them to pay him the money for it. But the commissioners refused either to allot that stock, or to pay the draft.

Witness is a director of the bank, and Mr. Whiting is also. William Scott and Henry Erben were commissioners and are now directors.

After the directors were chosen, a committee was appointed to investigate Mr. Perkins' claim. The directors uniformly refused to allow his claim for the five hundred dollars paid to Mr. Weed, and never did allow it.

Witness saw the paper marked B, in the hands of the committee of the directors. The board refused to allow the four hundred dollar charge therein contained. The committee required him to give the particulars of that charge, but he could not do so.

Neither of these sums of five hundred or four hundred dollars were ever agreed to be allowed, nor in any manner assented to, either by the commissioners or directors.

Perkins told the commissioners that he had promised stock to the members of the Legislature, named in schedule D, and he wished it allotted in the names mentioned in the second column on that paper.

Question. Did he say that he had promised those gentlemen stock, or did he say that he had solicited them to take stock?

Answer. He said they wished some stock, that he had promised it to them, and he wanted they should get it. I do not recollect that he said he had solicited them.

Witness further says, that he had been acquainted with Mr. Lockwood for several years, and when he saw his name on that paper, witness asked Mr. Perkins if he had any authority for using that name; to which Perkins replied that he had; he had received a letter from Mr. Lockwood, which was at his room, and he promised to bring it to the commissioners the next day; but the next day he did not produce it, but gave as an excuse, that he had forgotten it. Witness then told Perkins that he was satisfied that Mr. Lockwood had not authorized him to use his name, and no stock should be allotted him. A day or two afterwards, and before the distribution was completed, witness met Mr. Lockwood in New-York, and asked him if he had authorized Perkins to subscribe for stock for him; to which Mr. Lockwood replied that he

had not; that he did not want any of the stock, and had never authorized any one to apply for stock for him; and witness communicated this conversation to the other commissioners.

WILLIAM S. COE.

The examination of Mr. Coe thus far was read to and signed by him, and the committee adjourned.

Friday, Jan. 24.

The committee met.

Present—Mr. EDMONDS,
Mr. STOWER,
Mr. EDWARDS.

William S. Coe was further examined, and said that Mr. Perkins told the commissioners that the stock applied for in the names of John F. Butterworth, A. A. Camman, N. P. Hosack and N. H. Wolfe, \$20,000 in all, was not for those persons, but for others, whose names he would not mention, to whom he had promised that stock, and whose names he was in honor bound not to disclose, and he would not disclose them; and witness understood him to say that that promise had been made in reference to procuring the charter. The commissioners refused to allow any part of the stock thus subscribed for.

At this conversation with Perkins, witness asked him by what authority he had promised the various parcels of stock mentioned on that paper, and had thus attempted to dispose of it? to which he replied that the commissioners had given him authority. Mr. Whiting then asked him who he meant by the commissioners, and whether he meant him, (Mr. Whiting,) and Perkins answered no; that Mr. Whiting being one of the commissioners, it would not do to let him know it; and the other commissioners heard the denial then given, that he had any such authority, and as I understood it then, they all assented to such denial. Mr. Perkins then remarked that he had thought that the commissioners would have confidence enough in him to sanction what he should do. Witness heard Perkins say that the name of "V. Dam," was intended for Mr. Van Duzer, of Orange county; that "Ritten," was meant for Mr. Kittle, of Rensselaer.

Question. What explanation can you give of Mr. John D. Brown's connexion with your bank?

Answer. I knew nothing of any such connexion until Mr. Perkins asked for some stock for him. Mr. Whiting asked Mr. Perkins why he asked for stock for Mr. Brown, and Perkins answered because he had rendered service in procuring the charter. And Mr. Perkins then also said that he supposed Whiting knew of his bargain with Brown. Mr. Whiting replied by asking how he should know it, when he had slept in the same room at Albany with Brown, and he had never mentioned it to him, and Mr. Whiting denied that he knew of any arrangement with Brown. The commissioners refused, however, to allot any stock on Brown's behalf.

Q. What do you know of Gerrit Gilbert, and his associates' connexion with the application?

A. I only know it from hearsay, and I first heard of it two or three weeks after the bill passed, at which time Mr. Gilbert met me in the street, and asked me when our books were to be opened, and if I knew of the arrangement he had made with Mr. Perkins. I asked him what arrangement, but he declined telling me, but said it was no matter, he would see Perkins. Afterwards Perkins told the commissioners that he had promised Gilbert and his associates \$30,000 of the stock; that he was obliged to make the promise to them; that they had cornered him, and would prevent the passage of the bill, unless he made that promise to them. He used his endeavors to get the stock for them, but the commissioners refused to allow it.

Q. Did the commissioners at any time give Mr. Perkins to understand in any manner, that they would allot the stock asked for, for Brown, or for Gilbert & Co.?

A. They never did, either directly or indirectly, but the very first time the board was informed of this matter, they avowed their opposition to it.

Witness was present at every meeting of the commissioners held for the distribution of the stock, and he never knew that the commissioners or either of them consented in any manner to allot stock, either to the subscriptions which were made for Mr. Weed, for Mr. Brown, or for Mr. Gilbert and his associates, but on the other hand, witness did understand the commissioners at every meeting when that subject came up, distinctly to refuse to allot any stock on account of either of those subscriptions.

Witness knows John D. Brown's hand writing, and the letter marked "C," is his writing.

WILLIAM S. COE.

Henry Erben, of the city of New-York, being called and sworn, says, that he was one of the commissioners, and is now a director in the Seventh Ward Bank. Did not attend at Albany at any time while the bill was under consideration. Witness was present at every meeting of the commissioners held for the distribution of stock.

Question. Did you, at any of those meetings, hear Mr. Perkins' explanation of the paper marked D?

Answer. Yes.

Q. Wherein does your recollection of that explanation differ from the relation given to the committee by Mr. Coe?

A. I agree fully with him in his relation, except that I think that Mr. Perkins said to the commissioners that the stock promised to Mr. Weed, was for his influence with the anti-masonic members; and except also that I very well recollect that when Mr. Perkins presented that paper, and explained his promises of stock, the other commissioners asked Mr. Whiting and Mr. Morgan whether they had ever authorized any such arrangements by Mr. Perkins, and

they both denied that they had done so, and Mr. Morgan said he had expressly forbidden him to make any such arrangement.

Q. Did the commissioners, or either of them, at any of their meetings, consent to allot any stock on the subscriptions which had been made for Mr. Weed, Mr. Brown, or Mr. Gilbert and his associates?

A. No; but they distinctly and uniformly refused to allot any part of it to them, or to either of them, or to any one in their behalf.

Q. Did the commissioners ever consent to pay Mr. Perkins the \$500 advanced to Mr. Weed?

A. No; neither the commissioners or directors, and he applied to both.

Q. Did Mr. Perkins say, in reference to the subscription for members of the Legislature, that they had subscribed at his solicitation?

A. He said he had pledged the stock to the members named in paper marked D, and he was bound in honor to see they got it.— And I understood him to say, when speaking in reference to the names on that paper, that the bill would never have passed, if he had not made these pledges. And he made this remark, without distinguishing between the names of members of the Legislature and the other names on the paper. I understood at the time, but whether from Perkins or not, I cannot say, that some of the members had subscribed at Perkins' solicitation.

H. ERBEN.

Henry Erben, being recalled as a witness, testified, that at one of the meetings of the commissioners, Mr. Perkins admitted that he had not informed Mr. Whiting, before the passage of the bill, of his having employed Brown, or Arnold, or Gilbert, or any of those people, or of his having made any arrangements with them. Mr. Whiting expressed his surprise, that Mr. Brown had never spoken to him about it, when he had, for the convenience of the landlord, slept for several nights in the same room, at the Eagle tavern, with Mr. Brown; and Mr. Perkins said he had cautioned Mr. Brown not to say any thing to the commissioners about it.

H. ERBEN.

Benjamin Birdsall, of the city of New-York, being summoned, was sworn, and said that since his arrival in Albany, he has seen an article in the newspaper in relation to the subject matter of this inquiry, which induced him to have some conversation with Mr. Perkins, in relation to it. In that conversation, Mr. Perkins told the witness, that he had been informed that Mr. Gilbert, Arnold, and others, were going to oppose his application, and he had, therefore, thought it advisable to offer them some stock, which offer he made to them, and a memorandum was made in writing which he signed. Witness asked him if there was any compulsion used to get that paper, and he replied that there was not, in the

least, that he considered it an ordinary transaction between a broker and another person, of selling stock. The amount of stock, which Perkins said he was thus to let Messrs. Gilbert & Co. have, was \$30,000 at par.

B. BIRDSALL.

William Scott, of the city of New-York, being sworn, said, that he was one of the commissioners, and is now one of the directors, in the Seventh Ward Bank, but did not attend at Albany last winter in reference to this application. Witness was present at every meeting of the commissioners, held for the distribution of the stock.

Question. Did you at any of those meetings, hear Mr. Perkins give any explanation of the paper, marked D.?

Answer. Yes. He said the first four names were for himself. The name of Devereaux was for Mr. Weed, to whom he had promised 100 shares of the stock, and had guaranteed it to be worth ten per cent, or \$500; which \$500 he said he had paid Mr. Weed, and showed me Mr. Weed's draft upon him; and Mr. Perkins said he had made this arrangement with Mr. Weed, because Mr. Weed had friends among the anti-masonic members, and could be of great service to him.

Q. What was Mr. Perkins explanation of the subscriptions on that paper, for members of the Legislature?

A. He never said in my hearing, that he had promised or pledged any of the stock to them; but he said he was authorized to subscribe for them in the names mentioned on the paper; that the members were particular friends of his, and he wished them to have some stock.

The witness then proceeded to say, that Mr. Perkins refused to give any explanation of the persons for whom the 400 shares of stock had been subscribed, in the names of Butterworth, Camman, Hosack, and Wolf. He appeared very anxious that the stock should be put to those names, but said he would rather give up all he was worth in the world, than mention the names of the persons for whom the stock was intended.

Witness further says, that while Perkins was talking to the commissioners, of the stock mentioned on that paper, witness asked Messrs. Morgan and Whiting, whether they had authorized Mr. Perkins to make any pledges of stock to any body. They both answered, that they had not. Mr. Perkins, at the meeting of the commissioners, pretended that Mr. Whiting knew of the arrangement with Mr. Brown, but Mr. Whiting denied that he knew any thing of it, and asked Mr. Perkins why he had not informed him of it; to which Perkins replied, that it would not do, because Mr. Whiting was a commissioner.

The commissioners did not, at any time, consent to allot any stock on the subscriptions that were made for the benefit of Messrs. Weed, Brown, or Gilbert, and his associates, but always refused to do so; nor did the commissioners or directors ever agree to pay Perkins the \$500 advanced to Mr. Weed.

Witness was one of the committee of the directors, to whom was referred the demand of Perkins. He presented a claim for the \$500 paid to Weed, and for \$500 which ought to be paid to Mr. Brown, because Mr. Brown had been of service in getting the bill through, and because no stock had been awarded to Brown. The committee did not allow him any thing on account of either of these claims, but the directors afterwards gave him \$500, for his personal services, for which he gave a receipt in full.

Witness has had a conversation, within the last two days, with Perkins, in which he told witness that he never had been authorized by Mr. Whiting, to make any pledge of stock.

WILLIAM SCOTT.

Saturday, January 25, 1834.

The Committee met.

Present—MR. EDMONDS,
MR. STOWER,
MR. EDWARDS,

John A. Haven, of the city of New-York, being sworn, says he was one of the commissioners of the Seventh Ward Bank, but is not one of its directors. He had nothing to do with the matter, except signing his name to a petition, until after the bill passed; and before that time, he was acquainted only with Mr. Morgan, of the commission.

Witness thinks he never saw Mr. Perkins, until he called at the board of commissioners. Witness saw, in the possession of the commissioners, a paper containing a list of names, to whom it was said stock must be given, and which was said to contain Perkins' names; but whether that paper came from Perkins or not, or whether the paper marked D. is that paper, witness cannot say; and there was an explanation given of that paper, but by whom, witness cannot now recollect.

Witness understood that some of the stock mentioned on that paper was for members of the Legislature. This was said at the board. It was said at the board, that Mr. Perkins was the authorized agent at Albany, and that he had made certain pledges of stock which must be redeemed, and some of these pledges were to members of the Legislature. Witness does not know when these pledges had been made, whether before or after the bill passed.

Question. Who was it that said that this stock had been pledged?

Answer. My impression is that it was said by Mr. Whiting at the board, and also by Mr. Perkins.

Q. Did any one say that some of these pledges had been made to members of the Legislature?

A. I cannot recollect that any one said so distinctly, but it is my impression that it was said to have been promised to members. Mr. Perkins, on one occasion, came to the board, and explained to the commissioners, that certain subscriptions were for the benefit of persons whose names did not appear; but which subscriptions those were, witness cannot now say.

Witness recollects that there was one case of an application for 400 shares of the stock, which was said to be for persons whose names could not be mentioned, or whose names ought not to be published; but this was the case of Mr. Perkins, to whom one hundred shares was allotted, and the rest stricken off.

Witness does not recollect any thing of the subscription for Mr. Weed's benefit; and says generally that he had only then recently moved into this State, was entirely unacquainted with the names, and he did not therefore charge himself with a recollection of them.

Witness does not recollect any thing of the subscription of John D. Brown, for the same reason.

Mr. Gerrit Gilbert handed witness a list of names which had applied for stock, sixty shares each; but witness does not remember how many there were, or what the amount; and Mr. Gilbert asked witness to use his influence to procure that stock, or some of it, for him; but witness heard nothing, that he now recollects, of that stock's having been pledged, until that subscription was stricken off by the commissioners, and then it was said that that was stock which Mr. Perkins had promised. The application of Mr. Gilbert for that stock, was uniformly rejected by the commissioners.

Witness, while acting as a commissioner, obtained the impression that stock had been promised to members of the Legislature, and that the votes of members had been improperly obtained by such promises. But the witness says that he had removed into this State only a short time before this; that he had been engaged in business during the whole time of his residence in this State, and knew nothing of the form of the organization of our State government; and the witness actually supposed, until his present visit to Albany, that the persons whom he heard spoken of as lobby members, were members of one branch of the Legislature; but how far forth witness' impression that the charter had been obtained by promises of stock to members, was founded upon this understanding of the "lobby," witness cannot now say.

JOHN A. HAVEN.

Mr. Haven's deposition was read to, and signed by him, and the committee adjourned.

Monday, January 27, 1834.

The Committee met.

Present—MR. EDMONDS,
MR. STOWER,
MR. EDWARDS,

And MR. ARMSTRONG appeared to-day,
and took his seat with the committee.

James Morgan, of the city of New-York, being sworn, says he was one of the commissioners named in the bill incorporating the Seventh Ward Bank, but is not now one of the directors. He attended at Albany during the past session three times, and staid one or two nights each time. Perkins was the authorized agent to

attend to the matter at Albany. Witness had a correspondence with Perkins during the session, and produces now several letters received from Perkins during the winter, which are hereto annexed, marked N, O, P, Q, and R.

To the first letter, witness made no answer. When they first employed Mr. Perkins, witness gave him particular instructions to keep clear of the lobby; and that if witness found him leaguings with, or seeking the aid of any of the lobby, witness would immediately discharge him. When witness received the letter marked R, he immediately wrote to Perkins, cautioning him not to have any thing to do with Arnold, and that his influence would be detrimental.

Question. Did Perkins ever, prior to the passage of the bill, communicate to you, otherwise than in these letters, that he had made any contracts with Arnold, Gilbert or their associates, or with Weed or Brown?

Answer. Never until the morning of the day when the bill passed the Senate. I arrived that morning from New-York; and before the bill passed, Perkins told me that he had found so much opposition to the bill, that he had been obliged to promise Mr. Arnold and some others, liberty to subscribe for some of the stock; but he did not tell me how much. I told him he was a fool, and that they had no influence. I did not understand him to say that he had promised any stock to them; for our order to him was peremptory, when he came to Albany, not to pledge any stock whatever. The letter marked N, was written only a day or two before the bill passed, but witness paid no attention to what was therein said about Brown.

Q. Did you at any time, before or after the bill passed, assent to any arrangements made by Perkins, with either of the above named persons?

A. Before the bill passed, I never did; but after the bill passed, and about the time the commissioners met for distribution, Perkins called on me, and said that he had found it necessary to make some pledges at Albany, which he hoped the commissioners would enable him to redeem. I answered him that I had warned him against doing so, and that as a commissioner I could receive no communication from him alone, but he must make it to all the commissioners, and in writing. He then told me he had promised John D. Brown liberty to subscribe for stock, and that he would use his influence with the commissioners to have him get it; that Brown was poor, and had been of considerable service to him. I replied that it was unbeknown to me, but I would mention to the commissioners what he had so stated. Perkins then also said, that while at Albany, fearful that some persons in the Senate might oppose the bill, he had called on Mr. Weed, and asked him to use his influence in its favor. He said that Mr. Weed replied the bill was so low down on the calendar it would not be reached during the session; that being sick and an invalid, he could be of no manner of service whatever. And Perkins further stated to me, that after the bill had passed, he called on Mr. Weed and asked him to

subscribe for some of the stock; and Weed had replied, that he had never subscribed for any stock in his life, and did not think he ever should; to which he (Perkins) had replied, that the stock would be good, and he might make four or five hundred dollars by it; and then Mr. Weed had said, that under those representations, if Perkins could get him one hundred shares of the stock, he might do it. Witness to this replied, by censuring him for promising stock. And witness never did, to his recollection, and he is confident that he never did, write to Mr. Perkins any thing which could fairly be construed into any consent that he should pledge any of the stock.

Witness further says, that the paper marked D, was before the commissioners, and witness heard Perkins' explanation of it. The names of the persons on the first column of that paper, were those for whose benefit the stock was subscribed, and the second column contained the names which had been used for that purpose.

The day they opened their subscription books, Perkins told witness that a draft for five hundred dollars had come from Weed, but said nothing more to witness about it, but Perkins asked the commissioners to allot the \$5,000 of stock to Weed; but the commissioners never did agree to allot that stock, but uniformly refused to allot it.

Perkins told the commissioners that he had promised the stock subscribed for, in the names of Butterworth, Cammon, Hosack and Wolf; but he would not mention for whom it was.

Witness said that at the time he left the board of commissioners, he understood that twenty-five shares of the stock had been allotted to each of John D. Brown's two sons; but after witness withdrew from the commission that was altered, and no stock allotted to them.

Before the commissioners met to receive subscriptions, witness was informed of the contract made by Perkins with Gilbert, Arnold, and others, but the whole board of commissioners uniformly and always refused to allot any stock to those men, or either of them.

Witness understood from Mr. Perkins, that he was under obligations to some of the members of the Legislature for their kindness, and he wished the commissioners to allot some stock to them to show his gratitude; but witness never did understand from him, that he had promised any stock to any member of the Legislature.

Witness further says, that at one of the meetings of the commissioners, some of the commissioners said that if Perkins had been obliged to pay the five hundred dollars to Mr. Weed, they would rather pay the money out of their own pockets, than under such circumstances to allot any stock to him.

JAS. MORGAN.

Nathan T. Arnold, of the city of New-York, being duly sworn, says: that he attended at Albany during the last session of the Legislature, the greater part of the time.

Recollects being at the Capitol on the day the Seventh Ward Bank was reported by the committee of the Assembly; and on the same day at dinner, Mr. Perkins said to witness, that he understood witness was opposed to the application; witness replied, he was not opposed to the bank, but was to three of the commissioners; but after dinner, Perkins said to witness, that it was no use for witness to oppose the bill; those names should be taken out of the commission, but witness requested him not to have it done on his account.

The next day, Perkins again commenced a similar conversation, and told witness he would make it his interest not to oppose the bill, that he should have one hundred shares of the stock, and he (Arnold) should be taken care of.

Witness did not then consider himself under any obligation to aid it, and he made up his mind not to take any great part in it.

About a week after this, Mr. Gilbert, Mr. Darling, Mr. Adriance, and Mr. Kidder, came up from New-York, and put up at the same house with witness and Perkins. Very soon after they came up, witness understood that a negotiation had begun between those four gentlemen and Mr. Perkins, in relation to this application, and one of the four asked witness to join them, saying they understood witness was to be interested in the bank. Witness did agree to do so, and an agreement was then made between Perkins and the five persons, that they should have \$30,000 of the stock. Mr. Gilbert suggested that the agreement should be in writing, because, as he said, he had no confidence in Perkins, and Perkins might cheat them. A writing was then drawn up and signed by Perkins, to the following effect: "I agree to furnish, and will furnish unto Garret Gilbert esq., \$30,000 of the stock of the Seventh Ward Bank, if the application now pending before the Legislature for said bank shall become a law, either in the original distribution of the stock of said bank, or immediately thereafter, at par value."

The five persons were to be equally benefitted by this stock.

Witness remained a week or ten days after he had got ready to go home, to aid the passage of the bill, and did aid the passage; but no improper means were made use of to secure its passage. All that witness did was to speak to members of the Legislature in its favor; sometimes when they first spoke to witness, and sometimes when they did not.

When the commissioners were about meeting, Perkins called on witness and asked him to put in two names for 60 shares of stock each. Witness said he should put in his own name and his cousins; but Mr. Perkins objected to witness using his own name, and therefore witness used the names of Elias Arnold and Robert A. Thorp.

Perkins again called upon witness, and said that unless proxies were made out and given to him, so that he could have the control of it, witness could not get his stock. Witness at first objected, but upon being given to understand by Perkins that he could not in that event have any stock, witness consented, and the proxies were so made out.

But witness says he never at any time spoke to either of the commissioners in reference to this stock.

Witness got no stock, either directly or indirectly.

Witness understood, when the writing was signed, that he was to aid the bank in its passage, in consideration of the stock which was promised to him.

Witness thinks that when the writing was signed, Mr. Dodge of the Assembly was present. He came into the room with Perkins, and staid until the agreement was consummated. Mr. Dodge was not to have any of that stock, that witness knows of.

Witness does not know of a single instance in which any stock was promised to any member of the Legislature, either before or after the bill passed.

N. T. ARNOLD.

Tuesday, Jan. 28.

The committee met.

Present—Mr. EDMONDS,
Mr. STOWER,
Mr. ARMSTRONG,
Mr. EDWARDS.

Garret Gilbert, of the city of New-York, being sworn, says, that he was at Albany during the last session of the Legislature a considerable time. He came up sometime in January, and remained until after the charter of this bank had passed, but in the mean time, witness went home once.

Previous to the meeting of the Legislature, Perkins asked witness to aid the passage of the East River Bank, and urged witness to take about 150 shares in it, alleging that it would be good stock. Witness told Perkins that he was in favor of that application, because of the men into whose hands it would fall, and because of its location.

Witness came to Albany about the middle of January, on business distinct and unconnected with the application for this bank; and after witness arrived, Perkins renewed his application to witness to aid the Seventh Ward Bank. After talking with him, and ascertaining it was the same location, and the same men, witness told Perkins he had the same friendly feelings to this application.

When witness arrived in Albany, he found Col. Arnold on the ground, opposing the Bank as Perkins said. Messrs. Darling, Adriance and Kidder came to Albany with witness, and in consequence of the suggestion of Mr. Perkins, witness had an interview with Arnold, and stated to him his reasons for favoring the application; that it would fall into good hands, and benefit a good part of the city, and hoped that Mr. Arnold would give up his opposition, which he did do.

So far as witness was concerned he aided the passage of the bill, never having opposed it, because he thought it a good democratic application. In the conversation with Arnold, he expressed to witness his opposition to three of the commissioners, named in the bill,

and not exactly to the bank itself. Objected to the commissioners because not merchants.

Question. During all this time, was any thing said about your having any stock in case the bill passed?

Answer. Pending the passage of the bill, Perkins renewed his former offer of stock to witness under another name. After witness had completed his own business at Albany, he told Perkins he should return home, and then it was that Perkins renewed his offer of stock as above, provided witness would stay and aid the passage of the bill. Witness did go home, and returned for the purpose of aiding the passage of the bill.

Q. So far you speak only of an offer of 150 shares, did he at any time agree to give you 600 shares?

A. Mr. Kidder, Mr. Adriance, Mr. Darling, Mr. Arnold and myself, all put up at the same house, and saw each other every day; and Mr. Perkins agreed to give each of us shares, and we each agreed to, and did aid the bill.

Q. Was that agreement in writing, and if so, where is that writing?

A. It was in writing, drawn by Mr. Kidder, and is at my house in New-York. I have sent for the paper, but its substance is as related by Mr. Arnold in his testimony. On the back of the paper, I made the following indorsement:

G. Gilbert,
Levi Kidder,
N. T. Arnold,
John F. Adriance, and
Nathan Darling, parties to the within instru-

ment.

This instrument is dated long before the bill passed into a law.

These gentlemen were all present when the agreement was drawn, and all urged witness to consent to take it in his own name, which at first he objected and afterwards consented to do. Mr. Dodge, of the Assembly, was present at the time this agreement was made, but Mr. Dodge was not to have any of that stock to my knowledge.

Q. Did you apply for and get any of the stock thus promised to you?

A. I applied, but did not get any. I spoke to Messrs. Coe and Haven of the commission. I explained to Mr. Haven, but not to Mr. Coe, the nature of the contract made with Perkins.

Q. What did you suppose the \$30,000 of stock would have been worth?

A. I calculated that it would have ranged from 5 to 7½ per cent advance.

Q. Did you advocate the claims of any other bank application last winter?

A. I came up for the increase of the Greenwich Bank, and did not advocate any other but these two.

Witness further says, that he asked of Perkins \$50,000 of the stock, in the first place, saying to him, that if they were to stay at

Albany, on their own expense, &c. that was little enough for those five persons. Perkins offered \$30,000 of the stock, and Mr. Dodge, while this dispute was going on, said "you had better agree among yourselves." Mr. Dodge did not remonstrate with any of the persons upon the impropriety of making any such agreement. Afterwards, at the time the agreement was reduced to writing, Mr. Perkins said he wanted to consult a friend first, before he signed it. He left the room and returned in a few moments in company with Mr. Dodge, and then signed the paper.

Mr. Perkins told witness that he had full power from the applicants to make such arrangements.

GARRET GILBERT.

Nathan Darling, of the city of New-York, being sworn, says, that he was at Albany last session about three weeks. He has heard read to him the evidence given by Nathan T. Arnold and Garret Gilbert before the committee, and he says he agrees with them generally in the relation they give of his connexion with the application for the Seventh Ward Bank. Witness further says, that he spoke to some of the members, recommending this application as a good democratic application. When witness first visited Albany, Arnold was opposing the bill, but on witness' second visit to Albany the agreement was made with Perkins. Witness opposed some of the applications, but did not advocate any except the Seventh Ward and the Butchers' & Drovers', which latter he advocated voluntarily, without any promise being made to him. He supposed the paper from Perkins was good; but witness does not know of any offer of stocks being made to any member of the Legislature.

NATHAN DARLING.

Horatio Lockwood, of the county of Westchester, being sworn, says, that he was a member of the House of Assembly last year, and that he never authorized James Perkins or any other person, either directly or indirectly, to subscribe or apply for any stock in the Seventh Ward Bank for witness or for any one in witness' behalf. After the adjournment of the Legislature, witness received a letter from Perkins, requesting liberty to subscribe in witness' name for stock in this bank and in some rail-road company, which letter witness never answered.

Witness told William S. Coe, last summer, that he had not authorized Perkins or any other person to apply for any stock for witness, and that witness did not want any of the stock.

HORATIO LOCKWOOD.

John G. McDowell, of the county of Tioga, being sworn, says, that he is now and was last year a member of the Senate; that after the bill to incorporate the Seventh Ward Bank passed, and a day or two before the Legislature adjourned its last session, witness visited New-York on business, and while there saw James Perkins, who several times solicited witness to let him use witness' name in subscribing for stock in the Seventh Ward Bank. Wit-

ness at first declined, but finally consented, but witness did not at any time give to Mr. Perkins any money to pay on such subscription, nor did witness ever know that any stock had been allotted to him, until within a day or two, Mr. Perkins has told witness that fifty shares had been allotted; but witness has never had any thing to do with said stock, either directly or indirectly, nor does he now consider himself any way interested therein; but Perkins, in the same conversation, told witness that the stock had been transferred to some other person; and this is all that witness ever knew or heard of said stock, from the time he consented to Perkins using his name as aforesaid; and deponent does not know who Alex. R. Thorp is.

J. G. McDOWELL.

John F. Hubbard, of the county of Chenango, being sworn, says, that he is a member of the Senate now and was last year; that he does not know Dougherty or Townsend Harris, whose names appear on the books of the Seventh Ward Bank, and he never authorised them, or either of them, or any other person, to subscribe for stock for him in the Seventh Ward Bank.

After the passage of the bill witness went to Saratoga, and on board of the same car witness found James Perkins, who asked witness if he would not take some stock in this bank, and witness told him no. After witness returned home, and sometime in May, witness received a letter from Perkins, saying that if witness was not going to subscribe for stock in the Utica and Schenectady rail-road, then he wanted him to subscribe for the benefit of him, Perkins. Witness wrote back to him, inclosing him a subscription to hand over to the rail-road commissioners. Perkins, in his letter to witness, had again repeated the offer to witness of stock in the bank, and witness wrote to him that if he would let witness have some of the bank stock, witness would take it; but witness did not authorise Perkins to subscribe for any stock for him; but witness' idea was to take the bank stock in exchange for any rail-road stock which Perkins might get on the subscription in witness' name.

But neither Perkins nor any other person ever spoke to witness to vote for the bank, nor did witness get any stock in the bank.

JOHN F. HUBBARD.

David M. Westcott, of the county of Orange, being sworn, says, that he is now and was last year, a member of the Senate; that he does not and never did know any person by the name of George G. Root, nor did the witness ever authorise said Root, or any other person, to subscribe or apply, either directly or indirectly, for stock in the Seventh Ward Bank.

After the Legislature adjourned, and a short time before the subscription books of this bank opened, witness met Perkins in the city of New-York; Perkins advised witness to apply for stock in that bank, to which witness answered, he should not, that he had made up his mind never to meddle with bank stock while he was a member of the Legislature, and particularly in a bank for which witness had voted.

Witness is very confident that Perkins never asked witness to vote for that bank, nor did any other person that witness recollects.

Witness never knew, until since this investigation commenced, that his name had been in any manner used in reference to this stock, or that any stock had been set apart for him, nor has witness ever had or asked to have any thing to do with any stock in that bank. The name of "Geo. G. Root," endorsed on the check marked J, was not written by witness, nor does witness know whose hand-writing it is. Witness never saw the check before.

D. M. WESTCOTT.

Herman I. Quackenboss, of the city of New-York, being sworn, says, that he is now and was last year, a member of the Senate; that he is not now and never was, interested in any of the stock of the Seventh Ward bank, nor did witness ever subscribe or apply, or authorize any person to subscribe or apply for stock in that bank for witness; but witness wrote to Mr. Whiting in favor of Bicknell's subscription, simply to oblige a worthy young man in his employ, and not with a view to be interested in it himself.

H. I. QUACKENBOSS.

James Perkins, recalled as a witness and examined.

Question. Did you present any claim to the directors of the Seventh Ward bank, for an allowance of \$500 on John D. Brown's account?

Answer. I did for him. That was for the stock that I had promised to give him, and in payment of his services in getting the bank.

Q. When you was called upon to sign the paper to Gilbert, did you go first to consult any one on the propriety of signing it?

A. I showed the paper to Mr. Dodge, of the Assembly, and advised with him in regard to it, and he said it would do no harm to sign it. I was particularly friendly with Mr. Dodge, during the winter, and was frequently in his room.

Q. Did you at any time before the bill passed, have any conversation with Mr. Dodge about his having any stock?

A. I did not, directly or indirectly, nor did he get a share either directly or indirectly, nor any thing in lieu of stock. I never received back the \$500 paid in on Mr. Dodge's subscription. Mr. Adriance got it. I presume Mr. Adriance brought the name of Charles Oakley to me.

Q. Did you know last winter that Arnold, and Brown, and Belding, were insolvent, when you loaned them the money mentioned in your former testimony?

A. I knew Arnold was, but did not consider that Brown or Belding were. I have frequently asked Brown for the money I let him have, but did not get it. I never asked Arnold, because I did not consider it worth while.

Q. Why was Mr. Devereaux's name used for Mr. Weed's subscription?

A. It was at Weed's suggestion. He said he did not want his own name used. He did not think it prudent, because he was not able to hold the stock. I furnished the money on Weed's subscription. Mr. Weed advanced none. For the money thus advanced, which was \$500, I gave Joseph H. Cunningham, who attended to my business, an order to get it. The name, "N. Devereaux," endorsed on the check marked I, is in Cunningham's hand-writing.

Q. You stated that you did not guarantee the stock to Weed at 10 per cent, how came you then to pay him \$500?

A. Because Mr. Whiting and Mr. Morgan, told me my pledges should be redeemed. Before the bill passed, I mentioned to Mr. Whiting the bargain I had made with Weed.

Q. Why did you afterwards charge that \$500 to the bank?

A. Because the commissioners said they would not give the stock, but would pay the \$500.

The paper marked D, is in Cunningham's writing, made out by my direction, and handed by me to the commissioners.

I asked Mr. McDowell to subscribe for some stock, and he declined at first, but afterwards came to me and said that he did not want any of the stock, but if he could benefit me, without using his name, he would do it. Therefore it was, I made the subscription in the name of Thorp. I paid in the money and drew out the balance. I took the 50 shares of stock allotted to that name, and parted with it to Judge Emott, of Poughkeepsie, at par.

I made the subscription in the name of C. Prince, for Timothy Childs, a member of Assembly, from Monroe. I paid in the money and drew it out, and Mr. Childs subscribed for some rail-road stock for me, in return, but we neither of us got any.

I never was authorized by Mr. Lockwood, Mr. Westcott, or Mr. Van Duzer, to apply for any stock for them or either of them.

Q. Why then did you use their names?

A. I do not know Harris and Chauncy, nor why Mr. Lockwood's name was mentioned at all. I discovered from the commissioners that they were not going to perform my contract with Gilbert & Co. and I was anxious to get stock so that I could perform my contract with them, and, therefore, I used the names of Mr. Westcott and Mr. Van Duzer. I do not recollect that Mr. Westcott ever told me he would not apply for stock. I never had any conversation, whatever, with Mr. Van Duzer, in relation to stock.

I gave away the 50 shares to Judge Emott, and 200 shares of my own stock to Cunningham.

Q. Why did you not give those 250 shares to Gilbert & Co.?

A. Because, counsel whom I consulted, told me I was not obliged to perform my agreement with them.

The stock that was subscribed for in the names of Butterworth, Camman, Hosack, and Wolfe, was for the same purpose of enabling me to perform my contract with Gilbert & Co. and no part of that stock was for any member of the Legislature, directly or indirectly. Mr. Butterworth paid the whole of the first subscription money on those four names, but for my benefit.

The subscription put down as W. M. Patterson's, was made at his request, but he got no stock.

The whole amount of my subscription was for 13,000 shares, on which I paid in \$8,500.

Mr. Morgan did tell me in my first instructions, to keep clear of the lobby, and I have not preserved any of Morgan's letters to me, but destroyed them all as soon as I got home.

When I made out the paper, D, I considered myself bound legally to perform my agreement with Gilbert & Co. When I was called upon to sign that agreement, I feared the effect of it upon the bill, and I would not have signed it, if Mr. Dodge had not advised me to do it.

I presume that Lockwood's name was used for the same purpose, and in the same manner that Westcott's and Van Duzer's were, for the purpose of getting stock for myself.

JAMES PERKINS.

Thursday, January 30, 1834.

The Committee met.

Present—MR. EDMONDS,
MR. STOWER,
MR. EDWARDS.

Garret Gilbert, being called again as a witness, testifies that the paper hereto annexed, marked U, is the original agreement signed by James Perkins, and alluded to and described in the former testimony of deponent. The body of the paper is in the hand-writing of Levi Kidder, and the endorsement on the back of it is in the hand-writing of deponent.

GARRIT GILBERT.

Friday, January 31, 1834.

The Committee met.

Present—MR. EDMONDS,
MR. STOWER,
MR. ARMSTRONG,
MR. EDWARDS.

Thurlow Weed appeared before the committee, and submitted to them an explanation in writing, which is hereto annexed, marked S.; and being then sworn, testified that the said explanation is in all respects true.

Question. Did Mr. Perkins offer you any stock at any period, prior to that mentioned in your explanation?

Answer. Yes; he offered it repeatedly; he offered me stock every time he talked with me about it. It was a general offer like this: "You and your friends shall be taken care of: You shall have stock, if you want it." I think the first time he talked with me, he offered me 10,000 dollars of the stock.

Q. Did he, at any time before the bill passed, say what the stock would be worth?

A. I think he said the stock would be worth from 8 to 10 per

cent advance, but never made any guarantee as to what it would be worth. I never asked him for that, or any other amount of stock, while the bill was pending; and never asked him what the stock would be worth.

Q. When you sent your application to Mr. Perkins for stock, did you send him any money to pay upon it?

A. No, sir. He said he would subscribe for the stock, and pay in the amount himself.

Q. Did you, at any time while the bill was pending, tell him that you had spoken to your friends in favor of his bill?

A. I did not. I told him, however, in reply to his inquiries as to what my friends would do, that they generally voted for New-York banks without being spoken to about it, and that they did it on the responsibility of the New-York delegation. I made the same remark to him before I told him I would aid him, and this in our first or second conversation, and when Perkins remarked that he did not know my friends, and wanted an introduction to them.

Mr. Perkins told me that the commissioners would not allot any stock to the name of Mr. Devereux, because he was connected with the U. S. Branch Bank at Utica, and they preferred giving it in another way.

When I was at New-York, at the time he agreed to take my stock, I found at my lodgings one day a note from Mr. Perkins, which is hereto annexed, marked T. I do not distinctly recollect whether that note was left at my lodgings during my absence, or was handed to me personally by Mr. Perkins; but it came from Mr. Perkins.

I had no knowledge, until this investigation was commenced, that my draft was presented by Mr. Perkins to the commissioners or directors of the Seventh Ward Bank, and he never had my authority for presenting it to either.

THURLOW WEED.

VOUCHERS

Accompanying the report of the committee on the Seventh Ward Bank.

(A.).

New-York, 9th December, 1833, received of William O'Conner, cashier of the Seventh Ward Bank, five hundred dollars, which is in full of all demands to this date, against the commissioners of, or the institution of said bank.

\$500.

JAMES PERKINS.

(Endorsed,) Charge, contingent expenses p'd Jas. Perkins in full,
\$500.

(B.)

To expense going and coming to and from Albany, sundry times,	\$80 00
Cash p'd for supper at Jessup's,	626 00
My board, room and washing,	150 00
Cash p'd different persons,	400 00
" p'd Thurlow Weed,	500 00
My expenses for sundries, furthering the passage of the bill, say 90 days, a \$10,	900 00
	<hr/>
	\$2,656 00

CR.

By d'ft on Morgan,	\$200 00
do	50 00
do	794 44
Cash from do,	400 00
	<hr/>
	\$1,144 44
	<hr/>
	\$1,511 56.

E. E.

Say \$1,500.

Gent.—The above is a statement of particulars, as far as I can in any way particularize; hoping you may give it a speedy attention.

I am, Reps,

J. P.

(C.)

*Letter of John D. Brown.**Monday, June 2d, 1833.*

DEAR SIR,

I have subscribed for 200 shares of the 7th Ward Bank.
(the amount agreed for with Perkins at Albany.) This subscrip-
tion you will find on your books as follows, viz:

Jno. D. Brown,.....	100
Thomas J. Brown,...	50
John G. Brown,.....	50
	<hr/>
	200

Very respectfully,

Yours, &c.,

JNO. D. BROWN.

J. R. WHITING, Esq.

(D.)

For James Perkins,	{ Ephraim Scudder,.....	100	
	{ J. D. Baldwin,.....	100	
	{ Elias Hicks,.....	100	
	{ Jas. Perkins,.....	100	
		<hr/>	
		400	\$20,000
T. Weed,	Deavureaux,.....	100	5,000
McDowall,	A. R. Thorp,.....	100	5,000
Childs,	C. Prince,.....	100	5,000
Hubbard,	{ Dougherty,.....	50	
	{ Townsend Harris,....	50	
		<hr/>	100
			5,000
Russell,	{ Ladd,	50	
	{ DeRusey,.....	50	
		<hr/>	100
			5,000
Lockwood,	Harris & Chancy,.....	50	2,500
V. Dam,	N. W. Stuyvesant,.....	100	5,000
Wescott,	Geo. G. Root,.....	100	5,000
Ritten,	Alfred M. Farley,.....	100	5,000
Names cannot be mentioned.	{ John F. Butterworth,....	100	5,000
	{ A. A. Cammon,.....	100	5,000
	{ N. P. Hosack,.....	100	5,000
	{ N. H. Wolf,.....	100	5,000
	{ Henry Eddy,.....	100	5,000
	{ Worth,.....	100	5,000
	{ Dodge,.....	50	2,500
	{ Reamer,	50	2,500
	{ Seymour,	50	2,500
	{ Baker,.....	20	1,000

Isaac Bicknell, for Quackenboss,	100	5,000
Aiken,	20	1,000
Gozley,	20	1,000
Lockwood, Harris & Chancy,	50	2,500
W. M. Patterson, Geo. S. Gilson,	50	2,500
John D. Brown, 3 names,		10,000
Gilbert & Co.,		30,000
		<u>\$153,000</u>

(E.)

New-York, June 20, 1833.

Cashier of the Butchers' and Drovers' Bank, pay to N. P. Hosack or order, five hundred dollars.

\$500.

JAS. R. WHITING.

(Endorsed) N. P. HOSACK.

(F.)

New-York, June 20, 1833.

Cashier of the Butchers' and Drovers' Bank, pay to J. F. Butterworth or order, five hundred dollars.

\$500.

JAS. R. WHITING.

(Endorsed) J. F. BUTTERWORTH.

(G.)

New-York, June 20, 1833.

Cashier of the Butchers' and Drovers' Bank, pay to A. A. Camman or order, five hundred dollars.

\$500.

JAS. R. WHITING.

(Endorsed) A. A. CAMMANN.

(H.)

New-York, June 20, 1833.

Cashier of the Butchers' and Drovers' Bank, pay to M. H. Wolfe or order, five hundred dollars.

\$500.

JAS. R. WHITING.

(Endorsed) M. H. WOLFE.

(I.)

New-York, June 20, 1833.

Cashier of the Butchers' and Drovers' Bank, pay to N. Devereaux or order, five hundred dollars.

\$500.

JAS. R. WHITING.

(Endorsed) N. DEVEREAUX, per J. H. C.

(J.)

New-York, June 20, 1833.

Cashier of the Butchers' and Drovers' Bank, pay to G. G. Root or order, four hundred dollars.

\$400.

JAS. R. WHITING.

(Endorsed) GEO. G. ROOT.

(K.)

New-York, June 20, 1833.

Cashier of the Butchers' and Drovers' Bank, pay to G. S. Gelston or order, two hundred and fifty dollars.

\$250.

JAS. R. WHITING.

(Endorsed) GEO. S. GELSTON.

(L.)

New-York, June 20, 1833.

Cashier of the Butchers' and Drovers' Bank, pay to Chas. Oakley or order, five hundred dollars.

\$500.

JAS. R. WHITING.

(Endorsed) CHARLES OAKLEY.

(M.)

New-York, June 20, 1833.

Cashier of the Butchers' and Drovers' Bank, pay to Chas. Oakley or order, two hundred dollars.

\$200.

JAS. R. WHITING.

(Endorsed) CHAS. OAKLEY.

(N.)

Dr. Capt.

I must now have all the aid that is necessary, for after one or two days the question will be settled. It depends altogether on the bank committee. The La Fayette is using all the exertions possible. Wm. S. Coe, and Dally, must come up. I have got it so far, and it must not be lost for the want of exertions. I feel confident we are safe, but still we must not leave a stone unturned. I wish you to send J. D. Brown up by the 1st boat, for he can pull cords for our report that no other can.

Your ob't ser't.

J. PERKINS.

No date.

(O.)

Albany, 7th March, 1833.

JAS. MORGAN, Esq.

Dr. Sir,

I arrived here last evening from Boston. I was detained in consequence of the severe snow storm. The snow was so drifted as to make the roads almost impassable. I find our 7th Ward Bank stands No. 1, of the applications from New-York. My friends tell me they think we are safe, altho' Col. Arnold is using all of his influence against us. It is what I expected. Our friend Ringold, thinks with all of his opposition, we shall get almost a unanimous vote. He has now taken hold of it, hart & sole.

I think the Pearl-street is loosing ground. The passage is doubtful.

I am your ob't ser't.

JAS. PERKINS.

(P.)

New-York, March 11, 1833.

Capt. J. MORGAN,

D. Sir,

Our Legislature is progressing rather slowly. I am in hopes if we have one or two more afternoon sessions, our 7th Ward Bank will be reached. In the afternoon sessions they generally spend their time on Banks and Insurance Companies, and am fearful we shall have to change the name of Wm. S. Coe. Col. Arnold says if his name is changed, with other circumstances, he will go the bill. He says Coe is an enemy of his, and has injured him.

[Senate, No. 47.]

I think you had better send me up a little aid. If Whiting should come up, he had better stop at the American, for there is about 13 members of the Senate and 20 of the House who put up there. You will please forward all the documents soon.

Your friend.

JAS. PERKINS.

This letter is post-marked at Albany.

(Q.)

Albany, 14 March, 1833.

MY DEAR SIR,

The Seventh Ward Bank having passed the committee of the whole, it is ready to be bro't forward any day. I want aid and the papers you promised me. I have made up my mind to hazard the bill without erasing the name of our friend Wm. S. Coe. I am confident that Colonel Arnold's influence is not sufficient to defeat the bill. If I find it is, I will make him some little promise to satisfy him.

You must do all you are a going to do immediately, or it will be too late.

I am your ob't ser't.

JAS. PERKINS.

Capt. JAS. MORGAN.

(R.)

New-York, March 27, 1833.

DR. CAPT.

I have drawn on you, at 5 days sight, for two hundred dollars, which you will please to honor. I have forwarded the letters you wished me to. I do insist, if possible, that Wm. S. Coe must visit Albany by the 1st boat, his presence will be of service to us; and also should like Col. Arnold to return, he has strings to pull that we could touch. There is great exertion for the La Fayette, and we must meet them on their own ground.

Things look well, but we must keep the advantage we now hold.

Your ob't ser't.

J. PERKINS.

(S.)

Albany, January 31, 1834.

HON. JOHN W. EDMONDS,

Sir: Having been informed that my name has been introduced into an investigation of the bank committee in relation to the procurement of the charter of the Seventh Ward Bank, I beg permission to state, as well for your information, as in explanation of my own conduct, the nature and extent of my relations with that application.

In the month of March last, Mr. Perkins, the agent of the petitioners for the Seventh Ward Bank, solicited me to aid him in the obtaining of that charter. I declined doing so, assigning as a reason, that I was indisposed to interfere with such questions, and too ill, were it otherwise, to render him the assistance he required.— He soon afterwards called again, and repeated the request, adding that myself and friends, if they desired, should participate in the stock. I informed him that I had never subscribed for or received stock in any bank, and again declined to interfere. A few days after the last conversation, Mr. Adriance, a friend of mine, came up from New-York, and called at my house with Mr. Perkins. Mr. A. requested me to assist Mr. Perkins, and I then consented to render any aid that was convenient and proper.

From that time until the passage of the bill in the Assembly, I do not recollect to have spoken to any member of the Legislature upon the subject, except Mr. Whitney, of the Assembly, who was one day sitting with me at home, when Mr. Perkins came in. In introducing them, I remarked that Mr. P. was the agent for the Seventh ward Bank, and then, in general terms, commended the application to the favorable consideration of Mr. Whitney.

On the day the bill passed the Assembly, and while the Clerk was reading it, Mr. G. W. Patterson came to my seat and informed me that he should oppose its passage, on the ground that it had been reported against as the "East River Bank," and subsequently revived under another name. I neither felt nor expressed any desire that Mr. P. should waive his opposition. When the question upon its final passage was stated, Mr. Patterson made his remarks against the bill, to which Mr. Morris, of the bank committee, replied in explanation. The bill passed, Mr. Patterson and other of my friends voting in the negative. During this discussion, I did not speak to any member of the House upon the subject, nor in any manner interfere with the question.

During the pendency of the bill in the Senate, I did not speak to any members of that body on the subject, nor did I ever speak to any Senator in relation to the bill.

After the bill became a law, Mr. Perkins invited me to subscribe for \$5,000 of the stock. He also stated that if any of my friends wanted stock, he would see that it was awarded to them.

A few days before the opening of the books for subscriptions, Mr. Nicholas Deveraux, of Utica, then on his way to New-York,

called at my house. I communicated to him the proposition of Mr. Perkins. He advised me to subscribe, and at my request, wrote a power of attorney for the subscription of the stock in his name, which power I enclosed to Mr. Perkins.

During the last days of May, I went to New-York to try the effect of the steam-bath upon my health, where I remained about ten days. While in the city the book of subscription were opened.—Mr. Perkins called at my lodgings, and informed me that he had conversed with the commissioners about my subscription, and that they would assign to me the amount for which I had subscribed. He added that Walter Bowne, Esq. would be the president of the bank, which would give a high character to the stock, concluding with an offer to give me ten per cent advance for my subscription. I accepted the offer, and Mr. P. said he would call the next day and consummate the contract. I then called on Mr. Devereaux, at the City Hotel, and obtained his assignment of the stock to Mr. Perkins. On the following day, I delivered the assignment and proxy of Mr. Devereaux to Mr. Perkins, and received from him authority to draw, at ten days sight, for the amount agreed upon.

Some three weeks afterwards, when the distribution of the stock was published, I discovered that none had been assigned to Mr. Devereaux. I immediately went to New-York, and offered to return to Mr. Perkins the amount which I had received for the stock. He declined receiving it, and assured me that although, (for reasons which he stated) the commissioners had not given the stock to Mr. Devereaux, they had provided for it in another way.

In September, I had another conversation with Mr. Perkins upon the subject, when I again offered to refund the amount received of him. In this conversation, he informed me that the commissioners had conveyed to him, since the distribution, four hundred shares of stock, a part of which was to indemnify him for that bought of me. He added that he still had unsettled claims upon the commissioners, but that in relation to my stock there was no controversy.

These, sir, are substantially the facts—and all the material facts in relation to my connexion with the subject, to which I am ready, if desired, to verify by oath.

If the committee should desire further explanations, either verbally or otherwise, it will afford me pleasure to make them.

Respectfully, your

Obedient servant,

THURLOW WEED.

(T.)

[A Copy.]

New-York, June 1, 1833.

T. WEED, Esqr.

Dr Sir,

You are authorized to draw on me at ten days sight, for five hundred dollars.

Your ob't serv't,

JAMES PERKINS.

[Directed on the back to Thurlow Weed, Esqr. Albany.]

(U.)

I, James Perkins, do hereby agree to furnish Garret Gilbert the amount of thirty thousand dollars in the stock of the ~~Seventh~~ Ward Bank, at par value, in the city of New-York, (provided the bill to incorporate said bank shall become a law,) either in the original distribution of the stock of said bank, or immediately thereafter; and he the said Garret Gilbert is to pay the amount required by the law incorporating said bank, upon each share to the original subscription. Given under my hand and seal, at the city of Albany, this twenty-second day of March, in the year one thousand eight hundred and thirty-three.

JAMES PERKINS. [L. s.]

Signed, sealed and delivered, }
in the presence of }
LEVI KIDDER.

(Endorsement.)

\$30,000 stock in 7 Ward Bank to be divided between G. Gilbert, N. Arnold, N. Darling, Levi Kidder and Jno. F. Adriance.



No. 48.

IN SENATE,

February 10, 1834.

PREAMBLE AND RESOLUTION

Offered by Mr. Griffin.

WHEREAS sundry memorials are now pending before the Congress of the United States, from the valley of the Ohio, Pittsburgh, western New-York, and other places, praying for an appropriation by the General Government for the improvement of the Allegany river, from Pittsburgh, in the commonwealth of Pennsylvania, to Olean, in the State of New-York:

And whereas, from such improvement, according to the prayer of said memorialists, and by the construction of 96 miles of canal from Olean, through the valley of the Genesee, to the Erie canal, an unbroken inland water communication would be created from New-York into the vallies of the Ohio, Mississippi, Missouri, Arkansas, Osage, Illinois, Wabash, Tennessee and Cumberland rivers, connecting through this interior range of great navigable rivers more than three-fourths of the whole territory of the United States,

Resolved, Therefore, (if the honorable the Assembly concur,) That we do consider the foregoing as one of the first national importance, and as well worthy of the high consideration of the General Government; and as such, we do hereby solicit the interposition of our honorable Senators and Representatives in Congress to use all honorable exertions to promote the prayer of the said memorialists aforesaid, and that his Excellency the Governor be requested to transmit to each Senator and Representative in Congress a copy of the foregoing preamble and resolution.

No. 49.

IN SENATE,

February 5, 1834.

REPORT

Of the committee on finance, on the petition of Rebecca H. Cook.

Mr. Dodge, from the committee on finance, to whom was referred the petition of Rebecca H. Cook, for relief,

REPORTED:

That your committee have had under consideration the claim of the petitioner, and made such an examination and investigation of the facts of the case as they have deemed necessary.

From this investigation they have become satisfied that the petitioner, Rebecca H. Cook, who is the widow of Zebulon Cook, attorney and counsellor at law, late of Amsterdam, in the county of Montgomery, received from the estate of her father, Moses Beal, of the city of Schenectady, about two thousand dollars in property, most of it real estate lying in the city of Schenectady; that some time after her marriage with her late husband, they moved to Amsterdam, and her husband exchanged her property in Schenectady for real estate situated in Amsterdam, to wit: a house and lot in that village, adjoining and near to the creek, and about 30 acres of land in its vicinity.

And your committee further report, that they are satisfied that the said Zebulon Cook had no property of his own prior to his marriage, and did not make enough by his profession, (owing to some circumstances which it is not now necessary to mention,) to meet the expenses of his family; in consequence of which, her real and personal estate were all sold on execution at a sacrifice, and the

avails thereof were not sufficient to satisfy his creditors; and that he left her at his death, (which happened about six years since,) his widow, the above petitioner, and her four small children, entirely destitute of any property, except her dower right in the estate before mentioned, (obtained in exchange for her property in Schenectady,) and which ought in right and justice to have been so secured to her, that at his death, she and her children could have reaped the benefit thereof, instead of relying solely on her manual labor or the charitable kindness of her and his friends for their support.

Your committee in further investigating the facts of this case, found on examination in the Surveyor-General's office, and among the records of the Land-Office, a history of the claim of the State to the premises sold by the Surveyor-General, (for the surplus on which sale the petitioner sets up her claim,) and which we conceive it our duty to lay before the Senate.

It appears that Harmanus A. Veeder, of the town of Amsterdam, and county of Montgomery, on the 2d day of November, 1816, borrowed of the State the sum of one thousand dollars, to secure the payment of which, he mortgaged to the State eleven acres of land, (called the Privilege lot) lying in the village of Amsterdam, along the east side of the Chuchtenunda creek; that the said Veeder failing to pay up his bond and mortgage, or the interest thereon, a judgment was obtained on the bond, and execution issued thereon, which was returned nulla bona, after which the mortgage was foreclosed by the Attorney-General, and sold on the 15th March, 1820, and bid in for the State for the small sum of \$50; that at the time of said sale, there was actually due the State on said mortgage, from Veeder, the sum of \$1,288.86, on the balance of which interest has been accruing ever since.

After the above sale, the lot remained on hand, and although it was put up for sale by the Surveyor-General, he could not get a bid thereon; the reason of which, as appears from further examination, arose from a failure of title to about nine out of the eleven acres mortgaged; it appearing that Veeder had conveyed away his title to the nine acres prior to his mortgage to the State, although he accompanied that mortgage with the usual affidavit. And it also appearing that the part of the lot so conveyed, was by far the most valuable.

In this situation the matter remained for some years, until Mr. Zebulon Cook and James W. Philips applied to the Surveyor-General to have the parcels of the lot separately appraised, in order to afford them an opportunity of purchasing a strip of about two acres lying between their respective dwelling-houses and the said creek, and to which the title of the State was deemed good. In pursuance of their request, the Commissioners of the Land-Office directed Daniel Cady and Charles Easton, both of said county, to appraise said lot in parcels, which they accordingly did and reported to that office, which report is now on file, and which recommended a sale of these parts separately, and repudiates the title of the State to the greater and more important part, on which stands a valuable brewery.

On coming in of said report in 1827, the Commissioners of the Land-Office sold to Mr. Cook a part of said lot for the sum of \$300, of which he paid \$75 down and gave his bond for the balance, and to Mr. Philips the other part of the said two acres to which the title was deemed good, for \$100, of which he paid \$25 down and gave his bond for the balance.

Your committee further report, that within a year after the purchase the said Cook died insolvent, never having paid to the State any more than the above sum of seventy-five dollars.

After the death and insolvency of said Cook, it became utterly impossible for the widow to support herself and her children and acquire means in addition thereto sufficient to pay off this debt; and she was more averse to make the payment, fearing that if she did so the deed might be made out in such a manner that her husband's creditors, who had already stripped her of her patrimony to pay his debts, might obtain this also; which, however honest it might be considered in law, she did not deem herself, either equitably or morally, under the peculiar circumstances of this case, called upon to further, either directly or indirectly.

She was therefore advised, rather than to throw herself and her children on the tender mercies of her husband's creditors, of whose sympathetic feelings she had already had sad experience, to suffer the lot to be sold and become herself the purchaser, at any value which her husband's creditors or speculators might compel her to give, to take the deed or certificate in her own name, and rely on the magnanimity and justice of the State under the circumstances,

to relieve her from the payment of any more than the actual amount due the State on her husband's bond, with the interest and costs thereon.

This land was, on the 30th April last, again sold by the Surveyor-General, she and some creditors and others attended the sale; it was run up and struck off to her for the sum of \$820, a sum which your committee consider much more than the actual or nominal value at that time of the premises.

The actual sum due on Cook's bond at the time of the sale, on the 30th April last, was \$313.23, to which must be added the interest from that time until the time of actual payment.

The above are all the facts in this case which have been presented to your committee, and the only question is, as to the proper action of the Legislature thereon. We have no doubt, although no facts have been presented to the committee at present to warrant it, that the creditors of the said Zebulon Cook have their eye on this surplus, and will, as soon as they are advised of this petition, put in their claim to the same. They ought, therefore, justly, to be considered as parties in this controversy, and entitled to a hearing on its merits.

They are bona fide creditors, and as such, entitled to all the rights and privileges of such creditors; and had Mr. Cook paid up the amount due to the State and taken his deed for the same, their judgment would have been a lien on, and unquestionably would have (if sold, in the same ratio with the other property,) absorbed the land referred to in this petition.

That, however, not having been done, the claim, and all previous payments made thereon, became forfeited to the State, and a resale has taken place in the manner and time, and for the sum, and to the person before mentioned, according to law.

Another view which the creditors may take of this case, is not without its difficulties: That having a certificate for a deed, and being in possession of the land, Cook must be considered as a mortgagor in possession, and the resale as in the nature of a foreclosure of the mortgage; and that the surplus, as in all cases of the sale of mortgaged premises, after payment of the debt and costs, must go to the mortgagor or his legal representatives; and that inasmuch

as this sale took place after Mr. Cook's decease, the surplus must go to the executors or administrators (your committee do not know whether he died intestate or not,) of said Cook, to be by them distributed according to law.

If the above views of this subject are correct, and the State has no more right to this surplus under the contract made between it and Mr. Cook, than the mortgagee would have to retain or give away the surplus money on the sale of land by virtue of a mortgage, it would appear that the question must be decided against the petitioner, who claims in her own right absolutely and adversely. But if, on the other hand, the non-payment, by the terms of the contract, operated as a forfeiture both in law and equity, and the land reverted to the State substantially as if it had never been sold, then the surplus would belong to the State ~~as~~ strictly and legally as the sum ~~which was~~ not a surplus, but was within the amount admitted to be due on the bond; and it would be in the power of the State to say whether they would retain it themselves, to make up in part their loss by Veeder, or give it away, and if the latter, to whom they would make the donation.

It is undoubtedly true that the State has uniformly, as far as has come to the knowledge of your committee, exacted on its contracts only the amount actually due thereon, with interest and costs, and have considered themselves in the light of trustees of the surplus money, for the benefit of the persons legally or equitably entitled thereto. Such was the practice of the Commissioners of the Land-Office under the old law, and such has been the practice of the Legislature under the Revised Statutes, ~~in which the Legislature~~ do not, we conceive, alter the law, but only ~~resume the exclusive~~ jurisdiction of the subject matter. This practice has been so uniform for many years past, that it has become perfectly well known and understood throughout the community, and has almost ripened into the strength and validity of common law; and it would be almost heresy in your committee to express a doubt that this uniform practice will be continued in the case now presented to the Senate, unless the circumstance of the failure of title to the remaining nine acres, and its consequent serious loss, might induce them to visit on the widow and her infants the punishment due to the fraud of Veeder. Your committee are not aware that the Legislature have, however, uniformly given the surplus to those whose claims might in strictness be considered the most legal; but their impres-

sions are, that the governing principles have been equity and humanity, as well as sound policy. Thus in granting the escheated estates of aliens to a distant relative, living or intending to live in this country, and perhaps on the premises, instead of the next of kin and heir at law who resides in Europe, and who manifests no such intention, the Legislature consult and promote all these principles.

Congress has also, in case of the death of a pensioner of the United States, been guided by similar views and feelings in paying the pension due at his death, not to his assignee nor to his creditor, nor to his executor or administrator, but to his children if he has any, and at all events to his heir or heirs at law, to the entire exclusion of his creditor.

The purchase of this lot in 1827 could not have entered into the views of Cook's creditors at the time these debts were contracted, because every one well knew at the time that the purchase was made on the usual credit given by the State, and that the lot was then appraised at its full value, which has only been increased since by the increase of the village; and the purchase was made after most, if not all of his debts were in existence, as he died not long thereafter.

In this view of the case, we do not perceive that the creditors will have much reason to complain, if they are left to their legal and equitable remedies to collect their debts. These remedies they have freely used against the property, which strictly ought to have belonged, after the death of her husband, to the widow, and which amounted to a far greater sum than any they could by possibility realize out of the difference between the sum due and the actual value (not the price bid) of the premises. Were an equitable case to be stated, it would stand thus:

The actual value of the house and 30 acres of land, the title of which should have been in the petitioner, and which the creditors sold, and have received the avails thereof, \$1,600. Deduct therefrom the difference between the sum due, and the actual value of the land, which we suppose may be \$600. This would leave less than \$300 to be placed in the scale of equity, against the above sum of \$1,600.

These and like views have presented themselves to your committee, which we have been induced to state thus at length, because we are apprised there may be conflicting claims.

Your committee, with a full view of all the circumstances of this case, are convinced, that unless prevented by some strong and paramount authority, some settled practice or fixed principle operating against the prayer of the petitioner, (and we are not aware of any such;) if the Legislature have full and entire power to act in the premises as they may think right and proper, that every principle of justice, of charity, of humanity, and of sound policy, operate in favor of the claims of the widow and her fatherless children.

Your committee have instructed their chairman to bring in a bill for her relief.

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